

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**REGULAR SESSION**  
**OF 1983**

**HELD IN THE CITY OF MONTGOMERY, ALABAMA**  
**COMMENCING TUESDAY, APRIL 19, 1983**



**Vol. 2**

**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**

# CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. A listing of legislative days, with calendar dates and pages on which each day begins;
3. A topic index of general bills listed alphabetically by subject matter;
4. A topic index of local bills listed alphabetically by counties;
5. A topic index of resolutions;
6. A miscellaneous index, including all items not categorized as bills or resolutions;
7. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
8. A Senate bill numerical index, with short titles; and
9. A House bill numerical index.
10. Act Index.



**JOURNAL**  
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**SENATE**  
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**REGULAR SESSION OF 1983**

**TWENTY-FIFTH LEGISLATIVE DAY**

**TUESDAY, JULY 12, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Andrew Smith, Pastor, Five Points Baptist Church, Northport, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Foshee	Mitchell
Aldridge	Cabaniss	Goodwin	Parsons
Amari	Cooley	Harrison	Pearson
Bachus	Corbett	Hilliard	Proctor
Bailey	Covington	Keener	Robertson
Barron	deGraffenried	Kirkland	Smith (B)
Bedford	Denton	Little	Smith (J)
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**JOURNAL**

On motion of Senator Parsons, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fourth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Parsons, leave of absence was granted Senators Holmes and Mitchem for today.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 291. COMMENDING MISS DONNA JEAN THORNTON

OF NORTHPORT, ALABAMA, MISS WHEELCHAIR ALABAMA, 1983-1984.

Also:

H. J. R. 289. COMMENDING AND SALUTING T. R. DUNN.

Also:

H. J. R. 267. CONGRATULATING STATE 2A BASEBALL CHAMPIONS, THE HOLTVILLE HIGH SCHOOL BULLDOGS.

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

### COMMITTEE REPORT FILED

The Standing Committee on Rules submitted the following report, to-wit:

Pursuant to Rule 34 of the Rules of the Senate, the Rules Committee met on June 30, 1983 to consider for confirmation or rejection the people elected to the University of Alabama Board of Trustees by members of said board. Those elected were by letter from Dr. Wayne Teague, State Superintendent of Education, dated May 3, 1983 and the following nominees were rejected:

George Robinson Swift, Jr.

Margaret Stabler

Margaret Tolbert

Juliet St. John

Louis J. Willie

Pursuant to the wishes of the Rules Committee a sub-committee has been appointed to select new nominees for submission to the full Senate for their confirmation or rejection as provided for in Rule 34.

Which was read and ordered spread upon the Journal.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 269. COMMENDING DR. JAMES F. VICKREY, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

On motion of Senator Parsons, the Resolution was then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 179. NAMING A PORTION OF HIGHWAY 50 "THE REVEREND JAMES ARTER SMITH HIGHWAY."

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 266. MOURNING THE DEATH OF MR. JULIAN W. HALL OF MOBILE, ALABAMA.

Also:

H. J. R. 264. COMMENDING DR. CHARLES L. PAYNE FOR BEING SELECTED "OUTSTANDING ADMINISTRATOR OF THE YEAR" FOR 1982-83.

Also:

H. J. R. 263. IN REMEMBRANCE OF THE LATE DR. GEORGE C. BELL.

Also:

H. J. R. 262. COMMENDING THE ULLMAN HIGH SCHOOL CLASSES OF 1958, 1959, 1960 AND 1961, ON THE OCCASION OF THEIR REUNION.

Also:

H. J. R. 261. COMMENDING THE G. W. CARVER HIGH SCHOOL WOLVERINES.

Also:

H. J. R. 257. COMMENDING MR. GEORGE ROBERTS, PROMINENT LIMESTONE COUNTY EDUCATOR.

Also:

H. J. R. 302. COMMENDING MISS EMMA ALLEN FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

Also:

H. J. R. 296. HONORING DR. E. D. NIXON OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 299. COMMENDING MRS. BERTHA BERRY, NEWLY ELECTED STATE PRESIDENT OF THE ALABAMA JAYCEETES.

Also:

H. J. R. 268. COMMENDING THE MEMBERS OF THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

Also:

H. J. R. 210. CREATING THE MADISON COUNTY TAX DISTRIBUTION STUDY COMMITTEE.

Also:

H. J. R. 297. COMMENDING THE CHUCK WAGON GANG AND DESIGNATING THEM ALABAMA'S HONORARY "MINISTERS OF MUSIC."

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 180. COMMENDING MRS. GLORIA GARY FOR OUTSTANDING SERVICE TO THE STUDENTS OF SCOTT ELEMENTARY SCHOOL IN PRATT CITY.

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 298. COMMENDING MISS PAM BATTLES OF MUSCLE SHOALS, MISS ALABAMA FOR 1983.

On motion of Senator Parsons, the Resolution was then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 225. COMMENDING MR. JOHN A. STANLEY, SR., OF CHICKASAW, ALABAMA, FOR OUTSTANDING SERVICE.

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 300. COMMENDING ALABAMA'S ADULT EDUCATORS.

Also:

H. J. R. 301. COMMENDING STEVE KITTRELL FOR ACCOMPLISHMENTS IN THE FIELD OF ATHLETICS.

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committee, as follows:

By Senator Amari (With Notice and Proof):

S. 544. To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for

the furnishing of retail electric service; to provide procedures for eliminating or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 544, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hilliard (With Notice and Proof):

S. 545. To authorize, based on certain legislative findings, municipalities situated in counties having a population of 600,000 or more according to the last and any subsequent decennial census to alter and change water courses and to acquire, construct and develop wharves, warehouses, and other improvements related to the development and operation of river ports within a radius of twenty-five miles of the limits thereof in order to maximize the ability of such municipalities to promote the use of river and water transportation to take advantage of the transportation potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to authorize the acquisition of real property by eminent domain for the purposes of the Act; to authorize such municipalities to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds, to finance such river port facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such river port facilities, and to contract for joint construction and operation thereof; to make the provisions hereof severable; and to provide an effective date of the Act.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 545, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Smith (J) (With Notice and Proof):

S. 546. Relating to Limestone County; prohibiting residents of the City of Athens from voting in the election of the county superintendent and county board of education.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 546, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Little (With Notice and Proof):

S. 547. To amend further Section 3 of Act No. 481, H. 1193, 1976 Reg-

ular Session (Acts 1976, p. 597), which act regulates the registration and identification of certain trailers in counties having a population of not less than 60,000 nor more than 68,000 inhabitants according to the 1970 federal decennial census, so as to reduce the local late registration fees on mobile homes, to provide further for the distribution of such fees, and to make the provisions of this Act effective October 1, 1983.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 547, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Kirkland (With Notice and Proof):

S. 548. Relating to Escambia County; providing further for the compensation of supernumerary circuit clerks; providing for an expense allowance for such supernumerary officials and allocating the amount payable from the county general fund.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 548, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Robertson (With Notice and Proof):

S. 549. Relating to Pickens County; to provide for the time intervals in which elections may be held as to the question of whether to allow or to prohibit the manufacture and sale of wine, alcoholic liquor or beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 549, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Robertson (With Notice and Proof):

S. 550. Relating to Pickens County; prohibiting the possession of alcoholic liquors and beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901; providing for exceptions; and providing penalties for violations.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 550, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Robertson (With Notice and Proof):

S. 551. Relating to Tuscaloosa County; providing for the election of a county superintendent of education; prescribing term of office and residency

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requirement for such official; providing for such official's salary and providing that only the qualified electors residing in the areas of the county served by the county board of education shall be eligible to vote in such election.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 551, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Smith (B) (With Notice and Proof):

S. 552. To approve the proposal of the governing body of the City of Huntsville and the Board of Education of the City of Huntsville, relating to the special school taxes heretofore levied pursuant to Amendment No. 305 of the Constitution of Alabama of 1901, that the rate of said special school taxes be increased above the limit provided by said Amendment No. 305 so as to increase the total rate of ad valorem taxes to be levied and collected pursuant to Amendment No. 305 by 65¢ on each one hundred dollars worth of taxable property (6½ mills), making the total levy pursuant to Amendment No. 305, 11½ mills; providing for an election by the qualified electors of the City of Huntsville at a special election called and held in accordance with law governing special elections; and providing for an effective date for this Act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 552, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Figures (With Notice and Proof):

S. 553. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government, a council-manager form of government, or a federal court-ordered district-commission form of government. The bill provides that the form a majority of the electors choose shall apply to the city. The bill provides for an election of seven council members and a mayor; one member from each of seven districts and the mayor elected at large.

Committee on Local Legislation No. 3.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 553, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Smith (B) (With Notice and Proof):

S. 554. To authorize the governing body of the City of Huntsville in Madison County to regulate and permit the sale and consumption of alcoholic beverages upon the licensed premises of licensees of the Alabama Alcoholic Control Board and licensees of the City of Huntsville on Sunday; to provide that the provisions of this act are cumulative, and that the act shall not be held to repeal any other general or special act; and to provide an

effective date for this act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 554, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Mitchell and Goodwin:

S. 555. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Committee on Finance and Taxation.

By Senators Mitchell and Goodwin:

S. 556. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

Committee on Finance and Taxation.



By Senators Proctor and Bachus (With Notice and Proof):

S. 557. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 557, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By: Rep. Kennedy:

H. J. R. 373. COMMENDING THE STATE STREET AFRICAN METHODIST EPISCOPAL ZION CHURCH OF MOBILE, ALABAMA, 1820-1983; FOR 163 YEARS, THE LORD'S HOLY TEMPLE.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 373, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### RESOLUTIONS

Senator Kirkland offered the following Senate Resolution, to-wit:

S. R. 250. COMMENDING MR. FRED W. KILGORE, JR., OF GROVE HILL, ALABAMA.

Which was adopted.

Senator Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 251. NAMING THE NEW BUSINESS AND EDUCATION BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE "HARRY CAMPBELL BUSINESS AND EDUCATION BUILDING."

WHEREAS, Harry Campbell, businessman and community leader, attended Section Elementary School, graduating from Jackson County High School in 1934 and from Auburn University (Alabama Polytechnic Institute) in 1939, with a B.S. in Agriculture; and

WHEREAS, he has remained an active supporter of education and when Section High School was established, served on the first board of trustees for the school; and

WHEREAS, he devoted much time and energy to secure a junior college for Northeast Alabama; and

WHEREAS, two years before the Junior College Act, the legislature passed a local bill to establish a junior college on Sand Mountain and although funding was not set up at the time, a board of trustees was appointed, with Harry Campbell named as chairman; and

WHEREAS, when the Junior College Act was passed in 1963, Harry Campbell, as president of the Sand Mountain Boosters' Club, worked closely with legislators, community leaders, and educational leaders from Jackson and DeKalb Counties, proposing the present site for Northeast Alabama State Junior College and appointing a general committee, with Harry Campbell as chairman, to coordinate efforts to secure the College for the proposed site on the Jackson-DeKalb County line; in these positions, Harry Campbell was instrumental in gaining support for Northeast Alabama State Junior College; and

WHEREAS, his interest in and support of the college continued after the opening of the College, and in fact, when classes began in 1965, Harry Campbell was a member of the Northeast Alabama State Junior College Chorus; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his instrumentality in the establishment of Northeast Alabama State Junior College, we hereby name and designate the new business and education building at Northeast Alabama State Junior College, the "Harry Campbell Business and Education Building."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said building and that a copy of this resolution shall be forwarded to Mr. Harry Campbell.

Which was read and referred to the Standing Committee on Rules.

Senator Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 252. MOURNING THE DEATH OF MR. HERBERT P. FEIBELMAN, JR., PROMINENT MOBILE ATTORNEY.

WHEREAS, the Legislature of Alabama grievously notes the death of Mr. Herbert P. Feibelman, Jr., of Mobile, Alabama, on June 29, 1983, at the age of just 50 years; and

WHEREAS, a native of Vicksburg, Mississippi, Mr. Feibelman received his undergraduate degree from the University of Alabama where he was Phi Beta Kappa, and his law degree from the University of Chicago; and

WHEREAS, at the time of his death, Mr. Feibelman was the senior partner of his law firm, was serving as vice president of the Mobile Bar Association and was president of the Spring Hill Avenue Temple; and

WHEREAS, Mr. Feibelman was involved in leadership capacity in numerous of the social, civic, charitable and professional affairs of the area including the National Federation of Temple Brotherhood, International Parents Organization of the Alexander Graham Bell Association for the Deaf, Alabamians Interested in Deafness, the Mobile Junior Chamber of Commerce, America's Junior Miss Pageant, the American Bar Association and the Mobile Rotary Club; and

WHEREAS, he also was a member of the Country Club of Mobile, the Bienville Club and the Isle Dauphine Club; and

WHEREAS, the death of Mr. Feibelman has indeed left a deep void in the hearts of all those whose lives he touched; his death also has been deeply felt by those members of the profession he served—his peers who recognized him as a "lawyer's lawyer," in high compliment and in tribute to his ability and great knowledge of the law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Herbert P. Feibelman, Jr., of Mobile, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Phyllis Brown Feibelman, his two sons, Samuel Frederic and Phillip Lawrence Feibelman, and other family members whose sorrow we share and to whom copies of this resolution shall be sent.

Which was read and referred to the Standing Committee on Rules.

Senator Barron offered the followed Senate Joint Resolution, to-wit:

S. J. R. 253. NAMING THE HEALTH AND FINE ARTS BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE W. M. BECK HEALTH AND FINE ARTS CENTER.

WHEREAS, the Legislature of Alabama takes great pride in noting the numerous civic and charitable contributions made by Mr. William Morris Beck; and

WHEREAS, Mr. Beck's contributions as a public servant have been many; he served as Judge of DeKalb County Court from 1939 to 1944, as Representative to the Alabama Legislature in 1939 and again in 1947, and from 1947 to 1951, he was Speaker of the House of Representatives; and

WHEREAS, born in Calhoun County on October 11, 1903, he attended Newberry College in South Carolina, graduated from Jacksonville State College and later attended Birmingham-Southern College; and

WHEREAS, from 1926 to 1932, Mr. Beck taught school in Calhoun and DeKalb Counties; in September of 1932, he was admitted to practice law in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Health and Fine Arts Building at Northeast Alabama State Junior College, the "William Morris Beck Health and Fine Arts Center."

BE IT FURTHER RESOLVED, That we express a desire that the proper authorities erect and maintain appropriate signs and markers so designating said facility.

Which was read and referred to the Standing Committee on Rules.

Senator Bailey offered the following Senate Resolution, to-wit:

S. R. 254. COMMENDING THE EMPLOYEES AND FORMER EMPLOYEES AND COMMISSIONERS OF THE ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES AND THE BOARD OF AGRICULTURE AND INDUSTRIES.

Which was adopted.

### REPORTS OF COMMITTEES

Senator Little, Deputy Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 532. To amend Sections 40-17-130, 40-17-131 and 40-17-132 of the

State of Alabama 1975, relating to gasohol so as to define the term "alcohol blended fuel" and provide for said motor fuel the same tax exemptions extended to gasohol.

By Rep. Cosby:

H. 534. To further amend Section 40-23-1, Alabama Code, 1975, as amended, which Section contains various definitions applicable to the Alabama Sales Tax, so as to clarify, and remove ambiguity from, the definitions of "gross proceeds of sales", "gross receipts" and "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

By Rep. Cosby:

H. 535. To amend Section 40-23-60, Alabama Code, 1975, which Section contains various definitions applicable to the Alabama Use Tax, so as to clarify, and remove ambiguity from, the definitions of "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Menton (With Notice and Proof):

S. 377. Relating to Mobile County; providing that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Mobile County; providing for permits or licenses, applications, forms and contents to operate bingo, providing for special permits or licenses, prohibiting certain activities and imposing special requirements; providing for fees and expenses; providing for the disposition of proceeds; providing for the operation of bingo; providing for the keeping of records and their inspection; providing for the issuance and revocation of permits or licenses; providing for supervision by the circuit court; providing for certain powers and duties of the sheriff; providing for penalties and forfeitures; and providing that this Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Mobile County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Mobile County, no further referendum is needed.

By Senator Menton (With Notice and Proof):

S. 378. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Mobile County; and to provide that the provisions of this amendment shall be self-executing.

The above Bill was read a second time at length as required by the Constitution.

By Senator Keener (With Notice and Proof):

S. 503. Relating to Etowah County; providing for a county advisory referendum on the question if the superintendent of education shall be elected or appointed; providing for the conduct and holding of such elec-

tion, and repealing the provisions of any acts which are in conflict with this act.

By Rep. White (F) (With Notice and Proof):

H. 112. To provide further for the procedure for redeeming lands sold for taxes in Escambia County; to transfer certain duties of the probate judge of such county relative to such redemptions to the tax collector of the county; to relieve the probate judge of such county of these duties; and to repeal conflicting laws.

By Rep. White (L) (With Notice and Proof):

H. 725. Relating to the City of Alexander City in Tallapoosa County; authorizing the City of Alexander City to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

By Rep. Turnham (With Notice and Proof):

H. 749. To authorize the Lee County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

By Rep. White (L) (With Notice and Proof):

H. 818. Relating to Tallapoosa County; amending Act No. 79-565, S. 200, 1979 Regular Session, which provides for a pistol permit fee in the county, so as to provide further for said fee.

Senator Smith (B), Chairperson of the Standing Committee on Industrial Expansion, Economic Growth, and Jobs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Turner, Buskey, Gaston, Clikas, Penry, Clark, Kvalheim, Kennedy, White (F), Harper, McMillan, Blakeney and Zoghby (With Substitute):

H. 675. To provide a statement of public policy and legislative intent underlying its enactment; to provide for the regulation of cogeneration facilities; to provide that a cogeneration facility shall not be deemed a public utility; to regulate the sale of electric power produced by cogeneration facilities; to provide standards for determining avoided costs in the sale of cogenerated power; to provide for services and data to be made available from electric utilities; to provide for the authority of the Public Service Commission respecting cogeneration facilities; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following

bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Bennett (With Substitute) (With Amendment):

H. 344. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Waggoner:

H. 523. To authorize local city and county boards of education to establish reasonable compensation plans for members.

By Rep. Langford:

H. 649. To amend Sections 16-50-20 and 16-50-25, Code of Alabama 1975, relating to the appointment, terms of office and number of members of the board of trustees for Alabama State University, so as to provide further for an additional trustee from the home district and the terms of office; and to allow reappointment for a certain period.

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dixon:

S. 495. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification.

By Reps. Carothers, Johnson (RG), Martin, Scott, Starkey and Biddle:

H. 142. To amend Act 82-328 to conform with other states in the Southeast Interstate Low-Level Radioactive Waste Management Compact and to change the effective date.

By Rep. Richardson:

H. 199. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

By Rep. Johnson (Roy):

H. 446. Relating to public education in this state, to require instruction in cardiopulmonary resuscitation as part of the health curriculum for all tenth grade students in Alabama's public schools, effective September 1, 1983, in certain school systems, and effective September 1, 1984, in all

school systems.

By Rep. Buskey:

H. 152. To amend Section 26-10-4, Code of Alabama 1975, relating to adoptions, so as to further regulate the opening by the state registrar of vital statistics of the sealed package, on file in his office, containing the original certificate of birth with the decree of the court, upon demand of an adopted child who has attained his majority or upon demand of the adopting parents.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Minus (With Notice and Proof):

H. 830. Relating to Greene County; amending Section 1 of Act No. 376, H. 1040, Regular Session 1975 (Acts 1975, p. 926), relating to the creation, composition, appointment and terms of the Greene County Racing Commission, so as to provide that the Governor shall make such appointments and increases the term of office.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Cosby:

H. 275. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

Senator Bedford, Chairperson of the Standing Committee on Student and Youth Activities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Martin and Parker:

H. 57. To create and establish the state child abuse and neglect prevention board; to prescribe the purpose of and the authority, powers and duties of such board; specifically to place certain duties relative to the children's trust fund in the state treasury on the child abuse and neglect prevention board and to prescribe criteria for determining when and how much money from such fund shall be made available to local organizations for use in the prevention of child abuse and neglect; and to place additional duties and confer additional powers and authority on certain state departments.

Senator Robertson, Chairperson of the Standing Committee on Military Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Boyington:

S. 512. To amend Section 31-6-5, Code of Alabama 1975, which provides for educational benefits for wives and widows of deceased or totally disabled veterans or prisoners of war, so as to eliminate the discriminatory delimiting date.

By Rep. Kennedy:

H. 697. To re-open the State of Alabama Retirement Systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be an active and contributing member of one of the State of Alabama Retirement Systems; and to provide for its termination.

Senator Keener, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Albright:

H. 126. To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at an industry, so as to provide for the least economic disruption to such workers and their creditors.

By Rep. Bennett:

H. 165. To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for credit unions organized in other states, for the duties of boards of directors and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares of deceased persons, and to provide for conversions of federal and state credit unions.

Senator Keener, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Smith, Kvalheim, Laird, and Gaston (With Amendment):

H. 575. To amend Section 25-5-50, Code of Alabama 1975, which provides for exemptions from coverage under Workmen's Compensation, so as to provide that corporate officers may elect to be exempt from coverage.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Carothers and Grimsley:

H. 144. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for hunting or fishing licenses for totally disabled persons; to omit the license fee; to provide that licenses issued shall be on a continuous basis; to provide that holders may be required to obtain recertification of disability; to provide for the voiding of licenses of holders failing to obtain said recertification; to increase the issuing fee; and to provide that the issuing fee shall be paid into the county treasury under certain circumstances.



By Reps. Williams, Carothers, White (L), Grimsley, Sasser, Hammett, Warren, Holmes, Mathis, and Richardson:

H. 360. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

By Reps. Murphy, Scott, Thornton, and Rice:

H. 453. To provide that persons who are totally disabled shall be admitted free to all state parks.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 508. To amend Section 8-6-3, Code of Alabama 1975, relating to broker-dealers to provide further for the regulation of brokers and dealers.

### BILLS ON THIRD READING

#### The Bill:

H. 484. To provide for and create the Macon County Racing Commission for the regulating, licensing, and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutual or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to provide certain penalties for the violations of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

was taken up.

### RESOLUTION

Senator Hilliard offered the following Senate Joint Resolution, to-wit:

S. J. R. 255. CONGRATULATING MR. CALVIN C. OTTO ON RECEIVING THE DISTINGUISHED SERVICE AWARD OF THE ALABAMA HOSPITAL ASSOCIATION.

WHEREAS, Calvin C. Otto recently retired as Administrator of the Lloyd Noland Hospital after a 41 year career in health care; and

WHEREAS, Calvin Otto began his health care career in 1942 at the Tennessee Coal, Iron and Railroad Company's Employees' Hospital, rising from Maintenance Engineer to Hospital Administrator; and

WHEREAS, Calvin Otto also was active in numerous professional organizations such as: the Lloyd Noland Hospital Foundation Board, the Board of Directors of the Iron and Steel Credit Union, the Birmingham Regional Hospital Council, was a charter member of the Hospital Engineer's Society of the Alabama Hospital Association; and

WHEREAS, Calvin C. Otto was presented the Alabama Hospital Asso-

ciation's Distinguished Service Award during the Association's 62nd Annual Meeting;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we hereby congratulate Calvin C. Otto on receiving the Distinguished Service Award of the Alabama Hospital Association for his 41 year career in health care in Alabama.

Which was read and referred to the Standing Committee on Rules.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution, with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. J. R. 239. COMMENDING HALE MEMORIAL HOSPITAL UPON ITS ACCREDITATION.

Also:

S. 40. To establish a procedure for the filling of vacancies in the state merit system by certain employees who are terminated from employment by means of a lay off.

Also:

S. 80. To amend Section 32-13-3 and Section 32-13-4, Code of Alabama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court or Circuit Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

Also:

S. 120. To amend the Alabama Business Corporation Act so as to provide the procedure for acquisition of stock in any corporation through exchange of stock by another corporation; to provide for the right of a shareholder to dissent from such exchange; to prescribe a dissenting shareholder's rights; to provide that the provisions of the Act are severable; and to prescribe an effective date.

Also:

S. 174. To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in S11-58-1 of the Code of Alabama 1975 in order to include domiciliary facilities so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home.

Also:

S. 250. Relating to persons in the employment of the state and the right of such persons to participate in political activities and the improper use of position to influence votes or political actions; amending Sections 17-1-7 and 36-26-38, Code of Alabama 1975, relating to political activities of public employees, the prohibition of such political activities; and the improper use of official authority or position for political purposes, so as to prescribe that persons in the employment of the state shall have the same political rights as other citizens of the state and to prohibit such employee using state property or state time to promote such activities; and providing further for the prohibition of certain political activities and the improper use of official authority or position.

Also:

S. 331. To make an appropriation in the amount of Six Million Five Hundred Thousand Dollars (\$6,500,000), consisting of a supplemental appropriation for the period ending September 30, 1983 and an appropriation for the period commencing October 1, 1983 and ending December 31, 1983, from monies comprising Trust Capital of the Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of expenses requisitioned on or prior to midnight December 31, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

Also:

S. 389. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership and appointments of the authority so as to increase the membership and to provide further as to qualifications and terms of members; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

CHARLES BISHOP,  
Chairperson.

### **SIGNING OF RESOLUTIONS AND BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Resolution and Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### **FURTHER CONSIDERATION OF H. B. 484**

The Senate proceeded to further consideration of the Bill, H. B. 484.

### **RESOLUTION**

Senator Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 256. CREATING A PERMANENT JOINT COMMITTEE TO STUDY OIL AND GAS, TO BE CALLED THE "ALABAMA OIL AND GAS STUDY COMMITTEE," EFFECTIVE JANUARY 1, 1984.

WHEREAS, the Legislature created the Joint Interim Oil and Gas Study Committee, Act 83-122, Second Special Session 1983; and

WHEREAS, said Committee will stand discharged upon making its final report in the Regular Session of the members' last year of their term of office; and

WHEREAS, the Committee has recognized the need for a permanent Oil and Gas Study Committee to make a continuing study of the oil and gas industry in our State and to report findings to the Legislature and Governor on an annual basis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, effective January 1, 1984, there is hereby created the Alabama Oil and Gas Study Committee to study the oil and gas industry, the laws pertaining thereto, exploration and production of oil and gas in this State, its regulation, the fiscal opportunity and liabilities for the State, the impact of the oil and gas industry on our State, and all facets thereof.

BE IT FURTHER RESOLVED, That the Committee shall be a permanent committee which shall continue from year to year until terminated by the manner in which it was created and that the Committee shall be composed of a total of ten (10) members, five (5) of which shall be appointed by the presiding officer of the Senate and five (5) of which shall be appointed by the Speaker of the House, all of which appointments shall be made no sooner than January 1, 1984, and not later than 10 days following the commencement of the 1984 Regular Session of the Legislature. The members shall serve until the expiration of the term of office of the appointing authority and the membership of the Committee shall be constituted as follows: the presiding officer of the Senate shall appoint three (3) members of the Senate, and one (1) additional member from a list of three (3) nominees from among the membership of the Alabama-Mississippi Division of the Mid Continent Oil and Gas Association, and one (1) additional member who is a resident of an oil and gas producing county knowledgeable in the oil and gas field; the presiding officer of the House shall appoint three (3) members of the House of Representatives, and one (1) additional member from a list of three (3) nominees from among the Alabama membership of the Alabama Petroleum Council, and one (1) additional member who is a resident of an oil and gas producing county knowledgeable in the oil and gas field. The State Oil and Gas Supervisor and Commissioner of the Department of Conservation shall serve as ex officio, non-voting, advisory members of the Committee. The Committee shall meet within 10 days following the commencement of the 1984 Regular Session of the Legislature, whereupon the first order of business shall be to elect a chairman and vice chairman from among the appointed membership of the Committee. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

RESOLVED FURTHER, That upon the request of the Chairman, the Secretary of Senate and the Clerk of the House shall provide such clerical assistance as the Committee's work may require, and that the Chairman shall be authorized to employ within the limit of funds available to the Committee any person, persons, firms or corporations deemed necessary by the Chairman to carry out the duties, functions and purposes of the Committee. Each member of the Committee shall be entitled to regular legislative compensation, per diem, and travel expenses within or without the State for each day the member is on business of the Committee or attends meetings when the Legislature is not in Session or is in recess without pay provided however non-legislative members shall be entitled to said compensation without regard to whether the Legislature is in session. The sum of

Thirty Thousand Dollars annually shall be made available to the Committee for its use from any funds appropriated to the use of the legislature. Such sums shall be paid on warrants drawn by the state comptroller upon requisition of the Chairman and in accordance with law; provided, however, the total of such sums shall not exceed Thirty Thousand Dollars annually.

BE IT FURTHER RESOLVED, That the Committee be empowered to call witnesses to testify under oath and the members and staff of the State Oil and Gas Board, other State agencies and the employees thereof shall furnish, upon request of the Committee or any member thereof, any and all information, data and documents which the Committee may need or request to carry out the functions and duties of the Committee, and the Chairman of the Committee shall have the power to issue subpoenas and subpoena duces tecum pursuant to the Alabama Rules of Civil Procedure.

BE IT FURTHER RESOLVED, That the Committee shall make its report, findings and recommendations to the Legislature, Governor and any State agencies during each Regular Session of the Legislature.

Which was read and referred to the Standing Committee on Rules.

### RECESS

At 12:27 P.M., Senator Robertson moved that the Senate take a recess until 1:30 P.M.

Senator Robertson then offered a substitute motion that the Senate take a recess until 1:10 P.M., which motion was adopted.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

### FURTHER CONSIDERATION OF H. B. 484

The Senate proceeded to further consideration of the Bill, H. B. 484.

On motion of Senator Covington, further consideration of the Bill, H. B. 484, was postponed subject to the call of the Chair.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 296. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the States Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

and pending amendment, which said amendment is set out in the Journal of the Senate for the Twenty-Fourth Legislative Day, was taken up.

On motion of Senator Cabaniss, his pending amendment was postponed temporarily.

Senator Cooley offered the following substitute for the Bill, H. B. 296, to-wit:

### SUBSTITUTE FOR H. B 296

#### A BILL TO BE ENTITLED AN ACT

To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the state's merit system, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for an appeal system to hear contested termination of employment, transfers and discipline.

Be It Enacted by the Legislature of Alabama:

#### Section 1. Definition of employees.

The term "employees," as used in this Act, is deemed to mean and include all persons employed by county and city boards of education, two-year educational institutions under the control and auspices of the State Board of Education, the Alabama Institute for Deaf and Blind, educational and correctional institutions under the control and auspices of the Alabama Department of Youth Services, who are so employed as bus drivers, lunch-room or cafeteria workers, maids and janitors, custodians, maintenance personnel, secretaries and clerical assistants supervisors and all other persons not otherwise certified by the State Board of Education. Only full-time employees are intended to be covered by this Act. Full-time employees include (a) adult bus drivers and (b) other employees whose duties require twenty (20) or more hours in each normal working week of the school term, employing board holidays excepted. Substitute teachers and substitute employees are excluded from the Act.

#### Section 2. Probationary period.

(a) All employees as defined in Section 1 of this Act shall be deemed employed on a probationary status for a period not to exceed three years from the date of his or her initial employment, or a lesser period which may be fixed by the employing authority.

(b) During said probationary period, the employing authority shall cause the employee's performance to be evaluated.

(c) At any time during the employee's probationary period, the employing authority may remove an employee by furnishing said employee written notification at least fifteen (15) days prior to the effective day of termination.

#### Section 3. Non-probationary status.

Upon the completing by the employee of said probationary period, said employee shall be deemed employed on a non-probationary status and said employee's employment shall thereafter not be terminated except for failure to perform his or her duties in a satisfactory manner, incompetency, neglect of duty, insubordination, immorality, justifiable decrease in jobs in the sys-

tem, or other good and just causes; provided, however, such termination of employment shall not be made for political or personal reasons on the part of any party recommending or voting to approve said termination.

Section 4. Fair Dismissal Hearing for Non-Probationary Employees.

Upon completion of said probationary period by the employee, said employee shall be deemed employed on a non-probationary status and shall be eligible for a hearing before the employee review panel, as hereinafter provided, prior to any board action on a proposed employee dismissal. Notice of proposed dismissal shall be served to the employee either by personal service or by United States registered or certified mail with postage prepaid thereon, to said employee's last known address. Upon request of the employee, the employing board and the employee shall select an employee review panel of three persons, one selected by the employing board, one selected by the employee, and a third agreed upon by the two parties listed hereinabove. In the event the parties cannot agree on the third person within ten (10) days following the selection of the second member, the Secretary/Executive Director of the State Bar Association shall select from among the members of the Bar Association residing within the county in which the dispute originated the third member of the employee review panel. Persons selected for membership on the employee review panel shall not be employed in the field of education. Individuals serving on the panel shall receive compensation at the rate of \$75.00 per day plus expenses limited to \$150.00 per person per hearing, with said expenses and compensation being paid by the employing board or institution. The employee review panel shall conduct a fair and impartial hearing. A record of the hearing shall be developed, which record may be electronic or by competent court reports, the expense of which shall be paid by the Board. Following the hearing, the employee review panel shall within ten (10) working days submit to the employee and the employing board a summary of its findings and recommendation for action. Following the receipt of the recommendation of the employee review panel, the employing board shall make a decision on the proposed dismissal.

Section 5. Rights to Appeal.

The employee may, at his or her option, appeal to the appropriate circuit court to obtain trial de novo by the court concerning whether the board's action was in compliance with the requirements of this Act. Such appeal must be filed with the court within fifteen (15) days after the decision of the employing board or other agent. If such notice is not filed within fifteen (15) days, the decision of the employing board shall be final. Either party may demand trial by jury. The finding and order of the circuit court may be appealed to the court of civil appeals. The decision of the court of civil appeals shall be final and no further appeals shall be available.

Costs and reasonable attorney's fees may be awarded in the circuit court and upon appeal, in the court of civil appeals, in the discretion of such court, to the prevailing party.

Section 6. Transfer.

The employing board shall have authority to transfer employees, however, such transfer shall be based upon good and just cause needs of the school or institution and shall not be for political or personal reasons on the part of the recommending authority or any member of the employing board and shall be without loss of status for the employee.

Section 7. Discipline.

The employing board of education shall have authority to reprimand, censure, or suspend with or without pay, an employee for just cause. Such action on the part of the employing board or its management shall not be for political or personal reasons on the part of the recommending authority or any member of the employing board.

#### Section 8. Transferring and Discipline Appeal.

In those instances of transfer and/or discipline involving loss of pay or which would effectively constitute termination of employment the employee shall have the same rights for review and appeal as provided upon termination.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### MOTION IN WRITING

Senator Dixon offered the following Motion in Writing, to-wit:

Notice in Writing having been given on the previous legislative day, motion is now made to amend the Senate Rules by amending Senate Rule 41 to read as follows:

**RULE 41.** No member shall speak more than twice on any question under debate and none shall, without leave of the Senate, speak for more than one hour at each time. However, no motion to table shall be in order so long as a Senator desires to speak to the issue before the Senate. The originator of the pending question, or the chairperson of the committee reporting the measure, shall have the right to conclude the debate, which right cannot be cut off by motion to table. The originator of the pending question shall have precedence.

Which was read and referred to the Standing Committee on Rules.

### FURTHER CONSIDERATION OF H. B. 296

The Senate proceeded to further consideration of the Bill, H. B. 296. The question was on the substitute offered by Senator Cooley.

Senator Kirkland moved that said substitute be laid on the table, which motion was lost.

Yeas 15; Nays 17.

*Yeas:*

Senators:	Denton	Harrison	Mitchell	
Aldridge	Figures	Hilliard	Parsons	
Bailey	Foshee	Keener	Pearson	
Corbett	Goodwin	Kirkland	Teague	—15

*Nays:*

Senators:	Barron	Boyington	Covington
Amari	Bedford	Cabaniss	deGraffenried
Bachus	Bedsole	Cooley	Dixon



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25th Day**

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Little Menton	Proctor Robertson	Smith (B)	Smith (J)	—17
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The question then recurred on the substitute offered by Senator Cooley, which said substitute was then lost.

Yeas 16; Nays 17.

*Yeas:*

Senators: Amari Bachus Bedsole Boyington	Cabaniss Cooley Covington deGraffenried	Dixon Foshee Harrison Little	Menton Proctor Smith (B) Smith (J)	—16
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*Nays:*

Senators: Aldridge Bailey Barron Bedford	Bishop Corbett Denton Figures Goodwin	Hilliard Keener Kirkland Mitchell	Parsons Pearson Robertson Teague	—17
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Senator Teague offered the following amendment to the Bill, H. B. 296, to-wit:

**AMENDMENT TO H. B. 296**

On page 2, in Section 1, line 11, after the word “employees”, insert the following language: who are not otherwise covered by the State Merit System, the Teacher Tenure Law, or other state statute at the time this act is adopted.

Which was adopted.

Yeas 29; Nays 0.

*Yeas:*

Senators: Aldridge Amari Bachus Bailey Barron Bedford Bedsole	Bishop Boyington Cabaniss Cooley Corbett Covington deGraffenried Denton	Dixon Foshee Goodwin Harrison Kirkland Little Menton	Mitchell Pearson Proctor Robertson Smith (B) Smith (J) Teague	—29
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*Nays:* —0

Senator Teague then offered the following amendment to the Bill, H. B. 296, as amended, to-wit:

**AMENDMENT TO H. B. 296, AS AMENDED**

Amend H. B. 296, on Page 1, Line 39, by inserting after the words “Alabama Institute for the Deaf and Blind” the words, “not to include production workers at the Alabama Industries for the Blind”.

Which was adopted.

Yeas 27; Nays 2.

*Yeas:*

Senators:	Bishop	Denton	Menton	
Aldridge	Boyington	Dixon	Mitchell	
Amari	Cabaniss	Figures	Pearson	
Bachus	Cooley	Foshee	Robertson	
Bailey	Corbett	Goodwin	Smith (B)	
Bedford	Covington	Keener	Smith (J)	
Bedsole	deGraffenried	Kirkland	Teague	—27

*Nays:* Senators: Hilliard and Little —2

The Senate then proceeded to further consideration of the Cabaniss amendment to the Bill, H. B. 296, as amended, which said amendment was then lost.

Yeas 14; Nays 17.

*Yeas:*

Senators:	Bedsole	deGraffenried	Menton	
Amari	Boyington	Dixon	Proctor	
Bachus	Cabaniss	Foshee	Smith (B)	
Bedford	Covington	Little		—14

*Nays:*

Senators:	Corbett	Hilliard	Parsons	
Aldridge	Denton	Keener	Pearson	
Barron	Figures	Kirkland	Robertson	
Bishop	Goodwin	Mitchell	Teague	
Cooley	Harrison			—17

And said Bill, H. B. 296, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 11.

*Yeas:*

Senators:	Cooley	Goodwin	Pearson	
Aldridge	Corbett	Hilliard	Proctor	
Bailey	deGraffenried	Keener	Robertson	
Barron	Denton	Kirkland	Smith (J)	
Bedford	Figures	Mitchell	Teague	
Bishop	Foshee	Parsons		—22

*Nays:*

Senators:	Bedsole	Covington	Little	
Amari	Boyington	Dixon	Menton	
Bachus	Cabaniss	Harrison	Smith (B)	—11

Senator Kirkland moved that the Senate reconsider the vote by which the Bill, H. B. 296, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

#### FURTHER CONSIDERATION OF H. B. 484

The Senate proceeded to further consideration of the Bill, H. B. 484. And said Bill, H. B. 484, was read a third time at length and passed.

Yeas 8; Nays 5.

Yeas:

Senators:	Bedsole	Covington	Hilliard	
Barron	Boyington	Figures	Pearson	
Bedford				—8

Nays:

Senators:	Dixon	Little	Mitchell	
Bachus	Harrison			—5

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

### BILLS ON THIRD READING RESUMED

The Bill:

H. 521. To provide for changing the place of trial after selection of the jury in either criminal or civil cases in the circuit court of Marshall County from one courthouse to another; further to provide for, regulate and clarify venue between the two divisions of said court; further to provide for the summoning and service of grand and petit jurors in the two divisions of said court; to provide that the district court serving Marshall County or any similar court shall have the same geographical divisions and jurisdiction as the circuit court and that all provisions relating to venue between the two divisions of the circuit court of Marshall County shall apply to such court; and to repeal and supersede existing laws in conflict with this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Menton	
Aldridge	Bishop	Goodwin	Mitchell	
Amari	Cooley	Harrison	Parsons	
Bachus	Corbett	Hilliard	Pearson	
Bailey	Denton	Keener	Proctor	
Barron	Dixon	Little	Teague	
Bedford	Figures			—25

Nays: —0

The Bill:

H. 760. Relating to Madison County; there is hereby established in Madison County, Alabama, a Special Services Division of the District Attorney's Office of the Twenty-Third Judicial Circuit.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchell	
Aldridge	Cooley	Hilliard	Parsons	
Amari	Corbett	Keener	Pearson	
Bachus	Denton	Kirkland	Proctor	
Barron	Dixon	Little	Smith (B)	
Bedsole	Figures	Menton	Smith (J)	
Bishop	Foshee			—25

Nays:

—0

## The Bill:

S. 497. Relating to certain municipal elections in the City of Huntsville, Madison County, Alabama, and the coordination of such election; regulating further the election and terms of office of the mayor and city councilmen; and providing that the provisions of this act shall specifically repeal and supersede the provisions of Section 1, Act No. 738, H. 1596 of the 1971 Regular Session (Acts 1971, p. 1453) only as it applies to the City of Huntsville and conflicts with this act; further regulating the election and terms of the members of the Huntsville City Board of Education so as to provide staggered elections therefor and set the time of such elections; providing that the provisions of this act shall specifically repeal and supersede the provisions of Act No. 80-235, H. 794, Regular Session 1980 (Acts 1980, p. 314) and Act No. 796, H. 1033, Section 1, subsection (d), Regular Session 1971, (Acts 1971, p. 1530) and all laws or parts of laws which conflict with the provisions of this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchell
Aldridge	Cooley	Hilliard	Parsons
Amari	Corbett	Keener	Pearson
Bachus	Denton	Kirkland	Proctor
Barron	Dixon	Little	Smith (B)
Bedsole	Figures	Menton	Smith (J)
Bishop	Foshee		

—25

Nays:

—0

## The Bill:

S. 520. Relating to Dale County; to further provide for the distribution of the beer tax levied by Act No. 82-344, Regular Session, 1982, now codified as Sections 28-3-190 through 28-3-199, Code of Alabama 1975, so as to provide that the tax collected shall be paid and distributed in accordance with the provisions of Section 28-3-190 (c)(1), Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Parsons
Aldridge	Cooley	Keener	Pearson
Amari	Covington	Kirkland	Proctor
Bailey	Denton	Little	Smith (B)
Bedford	Dixon	Menton	Smith (J)
Bedsole	Figures	Mitchell	Teague
Bishop	Foshee		

—25

Nays:

—0

The Bill:

H. 669. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violation.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Figures	Menton
Aldridge	Bishop	Foshee	Mitchell
Amari	Cabaniss	Goodwin	Parsons
Bachus	Cooley	Keener	Pearson
Bailey	Corbett	Kirkland	Robertson
Barron	Denton	Little	Teague
Bedford	Dixon		

—25

Nays:

—0

The Bill:

S. 474. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Figures	Menton
Aldridge	Bishop	Foshee	Mitchell
Amari	Cabaniss	Goodwin	Parsons
Bachus	Cooley	Hilliard	Pearson
Bailey	Corbett	Keener	Proctor
Barron	Denton	Little	Teague
Bedford	Dixon		

—25

Nays:

—0

The Bill:

S. 516. To authorize, based on certain legislative findings, municipalities situated in counties having a population of 600,000 or more according to the last and any subsequent decennial census to alter and change water courses and to acquire, construct and develop wharves, warehouses, and other improvements related to the development and operation of river ports within a radius of twenty-five miles of the limits thereof in order to maximize the ability of such municipalities to promote the use of river and water transportation to take advantage of the transportation potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another munici-

pality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to authorize the acquisition of real property by eminent domain for the purposes of the Act; to authorize such municipalities to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds, to finance such river port facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such river port facilities, and to contract for joint construction and operation thereof; to make the provisions hereof severable; and to provide an effective date of the Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Figures	Menton	
Aldridge	Bishop	Foshee	Mitchell	
Amari	Cabaniss	Goodwin	Parsons	
Bachus	Cooley	Hilliard	Pearson	
Bailey	Corbett	Keener	Proctor	
Barron	Denton	Little	Teague	
Bedford	Dixon			—25

Nays: —0

The Bill:

H. 350. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Figures	Menton	
Aldridge	Bishop	Foshee	Mitchell	
Amari	Cabaniss	Goodwin	Parsons	
Bachus	Cooley	Hilliard	Pearson	
Bailey	Corbett	Keener	Proctor	
Barron	Denton	Little	Teague	
Bedford	Dixon			—25

Nays: —0

The Bill:

H. 721. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

was read a third time at length and passed.

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Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Figures	Menton
Aldridge	Bishop	Foshee	Mitchell
Amari	Cabaniss	Goodwin	Parsons
Bachus	Cooley	Hilliard	Pearson
Bailey	Corbett	Keener	Proctor
Barron	Denton	Little	Teague
Bedford	Dixon		

—25

*Nays:* —0

The Bill:

S. 480. Relating to Mobile County; requiring that twenty percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be allocated for the gifted child.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Figures	Menton
Amari	Boyington	Foshee	Mitchell
Bachus	Cabaniss	Hilliard	Parsons
Bailey	Cooley	Keener	Pearson
Barron	Corbett	Kirkland	Proctor
Bedford	Denton	Little	Teague
Bedsole	Dixon		

—25

*Nays:* —0

The Bill:

S. 506. To authorize the City of Prichard, Mobile County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such area, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Barron	Boyington	Denton
Amari	Bedford	Cabaniss	Dixon
Bachus	Bedsole	Cooley	Figures
Bailey	Bishop	Corbett	Foshee

Hilliard	Little	Parsons	Proctor	
Keener	Menton	Pearson	Teague	
Kirkland	Mitchell			—25

Nays: —0

The Bill:

H. 45. Relating to Mobile County; further providing for the distribution and transfer to the General Fund of Mobile County of certain license taxes collected and distributed in accordance with Act No. 162, Acts of Alabama 1963 and Act No. 82-344, Acts of Alabama 1982, which funds are to be designated for the provision of medical care to the medically indigent citizens of Mobile County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Menton	
Amari	Boyington	Foshee	Mitchell	
Bachus	Cabaniss	Hilliard	Parsons	
Bailey	Cooley	Keener	Pearson	
Barron	Corbett	Kirkland	Proctor	
Bedford	Denton	Little	Teague	
Bedsole	Dixon			—25

Nays: —0

The Bill:

H. 635. To authorize and empower the Mobile County Commission to grade all county dirt surfaced roads traveled by rural mail carrier for the United States Post Office Department provided that the land owners along such roads are willing to donate to the county the rights-of-way necessary for such grading projects.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Menton	
Amari	Boyington	Foshee	Mitchell	
Bachus	Cabaniss	Hilliard	Parsons	
Bailey	Cooley	Keener	Pearson	
Barron	Corbett	Kirkland	Proctor	
Bedford	Denton	Little	Teague	
Bedsole	Dixon			—25

Nays: —0

The Bill:

H. 636. To authorize the Circuit Judge assigned to the Department of Investigation and Recovery of the Thirteenth Judicial Circuit, Mobile County, to select and appoint an Administrative Secretary, to provide for the salary of such Administrative Secretary, and the method of payment of such Administrative Secretary.

was read a third time at length and passed.



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Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Menton
Amari	Boyington	Foshee	Mitchell
Bachus	Cabaniss	Hilliard	Parsons
Bailey	Cooley	Keener	Pearson
Barron	Corbett	Kirkland	Proctor
Bedford	Denton	Little	Teague
Bedsole	Dixon		

—25

Nays: —0

The Bill:

H. 637. Proposing an amendment to the Constitution of Alabama authorizing the Mobile County Commission to provide a health insurance plan for retired county employees at its discretion.

was read a third time at length as required by the Constitution, and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Menton
Amari	Boyington	Foshee	Mitchell
Bachus	Cabaniss	Hilliard	Parsons
Bailey	Cooley	Keener	Pearson
Barron	Corbett	Kirkland	Proctor
Bedford	Denton	Little	Teague
Bedsole	Dixon		

—25

Nays: —0

The Bill:

H. 676. Relating to Mobile County; providing for an annual distribution to the Historic Mobile Preservation Society for payment of utilities at Oakleigh Antebellum House Museum from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Menton
Amari	Boyington	Foshee	Mitchell
Bachus	Cabaniss	Hilliard	Parsons
Bailey	Cooley	Keener	Pearson
Barron	Corbett	Kirkland	Proctor
Bedford	Denton	Little	Teague
Bedsole	Dixon		

—25

Nays: —0

The Bill:

H. 84. Relating to Jefferson County, City of Birmingham and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of

Equalization and Adjustments, payable from the general funds of Jefferson County, from the general funds of the City of Birmingham and from the general funds of the State of Alabama; providing for an expiration date; to make the provisions of this Act retroactive to June 1, 1982.

was taken up.

Senator Pearson offered the following substitute for the Bill, H. B. 84, to-wit:

### SUBSTITUTE FOR H. B. 84

#### A BILL TO BE ENTITLED AN ACT

Relating to Jefferson County and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County and from the general funds of the State of Alabama; and making the provisions of this Act retroactive to June 1, 1982.

Be It Enacted by the Legislature of Alabama:

Section 1. In Jefferson County, the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, are hereby entitled to receive an additional annual expense allowance of \$12,000 each. Said expense allowance shall be in addition to any and all other compensation, salary and expense allowances heretofore provided by law and shall be payable 77½ % from the general funds of Jefferson County and 22½ % from the general funds of the State of Alabama in the same manner as other officials of each of these entities are paid.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed only to the extent of such conflict.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this act shall be effective as of June 1, 1982.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Figures	Menton
Aldridge	Bishop	Foshee	Mitchell
Amari	Cabaniss	Goodwin	Parsons
Bachus	Cooley	Hilliard	Pearson
Bailey	Corbett	Keener	Proctor
Barron	Denton	Little	Teague
Bedford	Dixon		

—25

Nays:

—0

And said Bill, H. B. 84, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

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*Yeas:*

Senators:	Bedsole	Figures	Menton	
Aldridge	Bishop	Foshee	Mitchell	
Amari	Cabaniss	Goodwin	Parsons	
Bachus	Cooley	Hilliard	Pearson	
Bailey	Corbett	Keener	Proctor	
Barron	Denton	Little	Teague	
Bedford	Dixon			—25

*Nays:* —0

The Bill:

S. 501. Relating to Etowah County, to grant the constable of the District Court an expense allowance.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Figures	Menton	
Aldridge	Bishop	Foshee	Mitchell	
Amari	Cabaniss	Goodwin	Parsons	
Bachus	Cooley	Hilliard	Pearson	
Bailey	Corbett	Keener	Proctor	
Barron	Denton	Little	Teague	
Bedford	Dixon			—25

*Nays:* —0

The Bill:

S. 530. Relating to DeKalb County; providing further for the costs and charges in all district court cases and providing for the establishment of a juvenile probation fund in the county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Parsons	
Aldridge	Cooley	Keener	Pearson	
Amari	Corbett	Kirkland	Proctor	
Bachus	Denton	Little	Smith (B)	
Barron	Dixon	Menton	Smith (J)	
Bedsole	Figures	Mitchell	Teague	
Bishop	Foshee			—25

*Nays:* —0

The Bill:

S. 533. To amend the "Council-Manager Act of 1982", so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the form of government originally prescribed in this act or an alternate form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the

four districts into which the city is divided, by the qualified electors of the districts, respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of government hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 533, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 533

Amend S. 533 on page 3, line 22, by deleting the word "Auburn".

Further amend S. 533, on page 11, line 27, by deleting the word "Auburn".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Parsons
Aldridge	Bishop	Goodwin	Pearson
Amari	Cabaniss	Hilliard	Proctor
Bachus	Corbett	Keener	Smith (B)
Bailey	Denton	Little	Smith (J)
Barron	Dixon	Mitchell	Teague
Bedford	Figures		

—25

Nays:

—0

And said Bill, S. B. 533, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Parsons
Aldridge	Bishop	Goodwin	Pearson
Amari	Cabaniss	Hilliard	Proctor
Bachus	Corbett	Keener	Smith (B)
Bailey	Denton	Little	Smith (J)
Barron	Dixon	Mitchell	Teague
Bedford	Figures		

—25

Nays:

—0

The Bill:

H. 44. Relating to Mobile County; further providing for the medically

indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; fixing ultimate financial responsibility for the provision of health care to medically indigent citizens of Mobile County with the county governing board; providing for the transfer to the Mobile County Indigent Care Board of all oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, to be designated for the provision of medical care to the medically indigent citizens of Mobile County, with certain provisions that unexpended reserves from such source may be returned to the general fund of Mobile County; and to provide that the provisions of this act shall be construed cumulatively.

was taken up.

The Standing Committee on Local Legislation No. 3 reported the following substitute for the Bill, H. B. 44, to-wit:

**COMMITTEE SUBSTITUTE FOR H. B. 44**

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; providing for the transfer to the Mobile County Indigent Care Board of a portion of oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, to be designated for the provision of medical care to the medically indigent citizens of Mobile County, with certain provisions that unexpended reserves from such source may be returned to the General Fund of Mobile County; and to provide that the provisions of this Act shall be construed cumulatively.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

(1) **MEDICALLY INDIGENT PERSON.** Any person who is a resident of Mobile County and who is ill, injured and suffering whose condition can be helped or relieved by treatment in a hospital, but who is unable to pay the cost of hospital treatment, or who is able to pay only a portion of the cost of such hospital treatment.

(2) **COUNTY COMMISSION.** The County Commission of Mobile County, as it is duly constituted at the time of the enactment of this Act, and any subsequent duly constituted governing body of Mobile County.

Section 2. At the determination of the County Commission, there may be hereby established the **MOBILE COUNTY INDIGENT CARE BOARD**, hereinafter referred to as "the Board", whose composition and duties shall be as follows:

(a) The County Commission may appoint a Mobile County Indigent Care Board which shall consist of three members who are duly qualified electors of Mobile County, but no member of such Board shall be employed

by any hospital. Of the members of the Board first appointed under the provisions of this section, one shall be appointed for a term of one year, one shall be appointed for a term of three years, and one shall be appointed for a term of five years. Thereafter, their successors shall be appointed for terms of five years and may be appointed to succeed themselves as members of the Board. The County Commission shall appoint all members to the Board. In the event the County Commission does not appoint the subject Board, the duties and responsibilities of the Board herein shall be carried out by the County Commission. Members of the Board shall serve without compensation.

(b) The Board shall meet monthly at a public place within Mobile County to certify accounts presented to the Board by providers of medical care who are providing medical care to medically indigent citizens of Mobile County and to make recommendations for payments from the Board's account or accounts to such providers of medical care by the County Commission. The Board shall be empowered to employ appropriate personnel, for the purpose of maintaining the Board's records and account or accounts or the County Commission may provide such personnel for the purpose of maintaining the Board's records and account or accounts and shall be empowered to expend revenues in its account or accounts to carry out the several provisions of this act. The Board may contract with the State Department of Pensions and Security for the purposes of evaluating and certifying persons as being medically indigent according to guidelines established by the Board. The Board shall recommend to the County Commission at each regular meeting of the County Commission reimbursement to be paid to providers of medical care to the medically indigent of Mobile County at an amount equal to the reasonable cost of said services rendered by the provider. It shall be the responsibility of the providers of medical care to verify and furnish appropriate materials for the Board to certify the accounts presented. PROVIDED, however, notwithstanding any part herein to the contrary, providers of medical care shall be reimbursed only for that part of unreimbursed care which exceeds 7 6 percent of that provider's gross billings for the current fiscal year. Unreimbursed care shall not include amounts for contractual adjustments, discounts or amounts required to be provided under Hill-Burton or other funds supporting indigent care from any other sources.

A hospital shall be reimbursed for providing hospital care to a medically indigent person at a rate equal to the average of Mobile County, Alabama hospitals' Medicare costs determined by the annual Medicare cost reports of said hospitals. Reimbursements by the Board shall not include any payment for physician services. The Board shall require a copy of a certified audit without qualification of any provider and, if applicable, its parent organization, applying for reimbursement by the Board and the cost of such audit shall be the burden of said provider. During the first fiscal year in which this Act becomes effective, specifically October 1, 1982 through September 30, 1983, the reasonable costs of services to the medically indigent, which services are rendered during that fiscal year, shall be eligible for reimbursement to the provider pursuant to this Act.

Section 3. It is the intention of the Legislature by the passage of this Act to be in accordance with Article IV, Section 88, of the Constitution of Alabama of 1901.

Section 4. The County Commission shall establish an account or accounts within the general fund of the County for payment of such amounts recommended by the Mobile County Indigent Care Board, as set forth

herein. The County Commission will place into such account or accounts an amount equal to the sum of one-half (50%) of all oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, and remaining after distribution of those revenues to the Mobile County Board of Health and the Mobile County Board of Education provided for by Act 870, Regular Session 1975 (Acts 1975, p. 1714), pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, not to include any and all net revenues held in escrow, as a result of litigation, for Mobile County which have been collected pursuant to Act No. 79-434, H. 148, 1979 Regular Session and Act No. 80-708, H. 909, 1980 Regular Session.

Allocation of such revenues for indigent care shall not exceed \$5,000,000.00 in fiscal year 1982-1983. In subsequent years the Board shall consider such factors as estimated population growth, unemployment rates, population age distribution and other such demographic and sociological factors as might be indicative of indigent care needs in establishing the levels of indigent care funding, provided, however, that the funds so allocated shall not be less than the funds allocated for the previous year as adjusted by change in the hospital consumer price index.

The remainder of all revenues paid to Mobile County pursuant to any other severance tax or privilege tax on oil and gas, under any general or local law whatsoever, shall not be deemed a part of or included in the provision of this Act. Said revenues shall be used by the Mobile County Indigent Care Board to provide for the costs of medical care and treatment of medically indigent citizens of Mobile County, as set forth herein. PROVIDED, however, that if the subject revenues exceed the need for funds to reimburse for medical care for the medically indigent of Mobile County, as of the end of the fiscal year of the County Commission, then such funds will revert to the General Fund of Mobile County.

Section 5. The County Commission also shall obligate such additional revenues from the General Fund of Mobile County in the amount of any oil and gas severance tax revenues being held in escrow designated for Mobile County and collected pursuant to Act No. 79-434, H. 148, 1979 Regular Session (Acts 1979, p. 687) and Act No. 80-708, H. 909, 1980 Regular Sessions (Acts 1980, p. 1438), and in the amount of any funds transferred from the License Commissioner of Mobile County to the General Fund of Mobile County which relates to beer taxes; such revenues to be used to the extent the Board may require same to perform properly its duties as provided in Section 2 of this Act after such funds authorized in Section 4 have been appropriated and paid out by the Board. Provided, however, that in the event that oil and gas severance tax revenues held in escrow and collected pursuant to Act No. 79-434, H. 148, 1979 Regular Session (Acts 1979, p. 687) and Act No. 80-708, H. 909, 1980 Regular Session (Acts 1980, p. 1438) and distributed to the General Fund of Mobile County are reduced by judicial decree, the County Commission shall obligate funds from its General Fund in an amount equal to one-half (50%) of such reduction, not to exceed \$750,000.00 per annum for the 1982-83 and 1983-84 fiscal years of the County Commission to the extent the Board may require same to perform properly its duties as provided in Section 2 of this act after such funds authorized in Section 4 have been appropriated and paid out by the Board.

Section 6. The Mobile County Indigent Care Board shall be authorized and empowered to bring and prosecute any suits in its name, as agent for the County of Mobile, against any person whose cost of hospitalization, in whole or in part, has been paid by the Board to the provider of medical

care or the hospital, within the statutory period fixed by law.

Section 7. The provisions of Section 4 are cumulative and shall apply to all of said additional oil and gas severance tax revenues henceforth to be distributed.

Section 8. Only laws or parts of laws which conflict with this act are hereby repealed.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor and upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Figures	Menton	
Amari	Boyington	Foshee	Mitchell	
Bachus	Cabaniss	Hilliard	Parsons	
Bailey	Cooley	Keener	Pearson	
Barron	Corbett	Kirkland	Proctor	
Bedford	Denton	Little	Teague	
Bedsole	Dixon			—25

*Nays:* —0

And said Bill, H. B. 44, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining 1.

*Yeas:*

Senators:	Bishop	Figures	Menton	
Aldridge	Boyington	Foshee	Mitchell	
Amari	Cabaniss	Hilliard	Parsons	
Bailey	Cooley	Keener	Pearson	
Barron	Corbett	Kirkland	Proctor	
Bedford	Denton	Little	Teague	
Bedsole	Dixon			—25

*Nays:* —0

*Abstaining:* Senator Bachus —1

The Bill:

H. 475. Relating to the city of Mobile; establishing and providing for the Mobile City Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from section 28-3-281, Code of Alabama 1975; providing for the forfeiture of certain funds upon falsification of registration forms; and providing for retroactive effect to January 1, 1983.

was taken up.

The Standing Committee on Local Legislation No. 3 reported the fol-



lowing amendment to the Bill, H. B. 475, to-wit:

**COMMITTEE AMENDMENT TO H. B. 475**

Amend House Bill 475, Section 1(b), page 2, line 13 after the word "the" by striking the remainder of line 13 and 14 and inserting in lieu thereof the following:

"majority of the board from time to time approve."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Dixon	Menton
Aldridge	Bishop	Figures	Mitchell
Amari	Boyington	Foshee	Parsons
Bachus	Cabaniss	Keener	Pearson
Bailey	Cooley	Kirkland	Proctor
Barron	Corbett	Little	Teague
Bedford	Denton		

—25

*Nays:* —0

And said Bill, H. B. 475, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Dixon	Menton
Aldridge	Bishop	Figures	Mitchell
Amari	Boyington	Foshee	Parsons
Bachus	Cabaniss	Keener	Pearson
Bailey	Cooley	Kirkland	Proctor
Barron	Corbett	Little	Teague
Bedford	Denton		

—25

*Nays:* —0

**RECESS**

At 3:15 P.M., on motion of Senator Smith (B), the Senate took a recess subject to the call of the Chair.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

**RESOLUTION**

Senator Barron offered the following Senate Resolution, to-wit:

S. R. 257. COMMENDING THE MEMBERS OF THE HOLLYWOOD FIRE DEPARTMENT.

Which was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your

signature thereto is requested.

H. 484. To provide for and create the Macon County Racing Commission for the regulating, licensing, and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 210. CREATING THE MADISON COUNTY TAX DISTRIBUTION STUDY COMMITTEE.

Also:

H. J. R. 257. COMMENDING MR. GEORGE ROBERTS, PROMINENT LIMESTONE COUNTY EDUCATOR.

Also:

H. J. R. 261. COMMENDING THE G. W. CARVER HIGH SCHOOL WOLVERINES.

Also:

H. J. R. 262. COMMENDING THE ULLMAN HIGH SCHOOL CLASSES OF 1958, 1959, 1960 AND 1961, ON THE OCCASION OF THEIR REUNION.

Also:

H. J. R. 263. IN REMEMBRANCE OF THE LATE DR. GEORGE C. BELL.

Also:

H. J. R. 264. COMMENDING DR. CHARLES L. PAYNE FOR BEING SELECTED "OUTSTANDING ADMINISTRATOR OF THE YEAR" FOR 1982-83.

Also:

H. J. R. 266. MOURNING THE DEATH OF MR. JULIAN W. HALL OF MOBILE, ALABAMA.

Also:

H. J. R. 267. CONGRATULATING STATE 2A BASEBALL CHAMPIONS, THE HOLTVILLE HIGH SCHOOL BULLDOGS.

Also:

H. J. R. 268. COMMENDING THE MEMBERS OF THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

Also:

H. J. R. 269. COMMENDING DR. JAMES F. VICKREY, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 289. COMMENDING AND SALUTING T. R. DUNN.

Also:

H. J. R. 291. COMMENDING MISS DONNA JEAN THORNTON OF NORTHPORT, ALABAMA, MISS WHEELCHAIR ALABAMA, 1983-1984.

Also:

H. J. R. 296. HONORING DR. E. D. NIXON OF MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 297. COMMENDING THE CHUCK WAGON GANG AND DESIGNATING THEM ALABAMA'S HONORARY "MINISTERS OF MUSIC."

Also:

H. J. R. 298. COMMENDING MISS PAM BATTLES OF MUSCLE SHOALS, MISS ALABAMA FOR 1983.

Also:

H. J. R. 299. COMMENDING MRS. BERTHA BERRY, NEWLY ELECTED STATE PRESIDENT OF THE ALABAMA JAYCEETTES.

Also:

H. J. R. 300. COMMENDING ALABAMA'S ADULT EDUCATORS.

Also:

H. J. R. 301. COMMENDING STEVE KITTRELL FOR ACCOMPLISHMENTS IN THE FIELD OF ATHLETICS.

Also:

H. J. R. 302. COMMENDING MISS EMMA ALLEN FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 258. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-fifth legislative day of the 1983 Regular Session only:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 395	Table wine taxes	124
S. B. 140	Business Corp. Act	112
S. B. 191	National Guard	64
S. B. 192	National Guard	64
S. B. 107	Mental Health Board and phy. desp.	38
H. B. 370	Fed. & State Savings & Loan Assn.	135
S. B. 116	Counselors	172
S. B. 33763	Fire or water hydrant markers	63
S. B. 348	Civil & Criminal cases, exhibits, reg.	110
S. B. 199	Gold & Silver, reg.	102
H. B. 246	Restitution Order	162
S. B. 443	Comp. Bidding, contract prov.	105
S. B. 289	Time-Sharing	35
S. B. 472	Sewers, sanitary charges, 'revenues'	116
S. B. 517	Child custody, interference proh.	160
S. B. 330	National Guard, ceremony	66

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S. B. 259	Veterans, educ. ben.	65
S. B. 364	Veterans lic. exempt	67
S. B. 251	Electors, statewide re-ind.	15
H. B. 224	Ins. companies, inv.	132
S. B. 362	Publicity & Information, name change	45
H. B. 517	Veh. size & weight	150
S. B. 153	Pornography to Minors	39
S. B. 158	Firearms explosives, pen.	30

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

**BILLS ON THIRD READING RESUMED**

**The Bill:**

S. 116. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts, issued for delivery in this state, which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified counselor of this state.

having been postponed on the Twenty-Third Legislative Day without losing its place on the Consent Calendar, was taken up.

On motion of Senator Cooley, further consideration of the Bill, S. B. 116, was postponed temporarily.

**UNFINISHED BUSINESS**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 276. To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, which provides for nonresident annual and trip fishing licenses, so as to increase the fees for said licenses.

as amended by the substitute, which said substitute is set out in the Journal of the Senate for the Twenty-Third Legislative Day.

And said Bill, S. B. 276, as amended by the substitute, was again read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

**Yeas:**

<b>Senators:</b>	<b>Boyington</b>	<b>Foshee</b>	<b>Little</b>
<b>Bachus</b>	<b>Cabaniss</b>	<b>Harrison</b>	<b>Menton</b>
<b>Barron</b>	<b>Cooley</b>	<b>Hilliard</b>	<b>Proctor</b>
<b>Bedford</b>	<b>deGraffenried</b>	<b>Keener</b>	<b>Robertson</b>
<b>Bedsole</b>	<b>Figures</b>	<b>Kirkland</b>	<b>Teague</b>
<b>Bishop</b>			

—20

**Nays:**

—0

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to Brigadier General in the Alabama Air National Guard.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 12th day of July, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to Brigadier General in the Alabama Air National Guard effective June 24, 1983:

Col. Cecil W. Greene  
418-32-0879

Respectfully submitted,

GEORGE C. WALLACE,  
Governor.

Done this 12th day of July, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the rank of Brigadier General in the Alabama Air National Guard, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment from Colonel to Brigadier General, as Commander, 31st Separate Armored Brigade.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 12th day of July, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama  
Lady and Gentlemen:

I have appointed, subject to your confirmation, Colonel Russell E. Summerlin to Brigadier General, as Commander, 31st Separate Armored Brigade.

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 12th day of July, 1983.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the rank of Brigadier General, as Commander, 31st Separate Armored Brigade, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama  
Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment from Brigadier General to Major General of William A. Jackson, as Commander, Troop Command, AL ARNG.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 12th day of July, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama  
Lady and Gentlemen:

I have appointed, subject to your confirmation, Brigadier General William A. Jackson to Major General, as Commander, Troop Command, AL ARNG.

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 12th day of July, 1983.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the rank of Major General, as Commander, Troop Command, AL ARNG, was read and referred to the Standing Committee on Rules.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 333. TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.**

On motion of Senator Teague, the Resolution was then concurred in and adopted by the Senate.

**RESOLUTION**

Senators Harrison and Dixon offered the following Senate Joint Resolution, to-wit:

**S. J. R. 259. CREATING THE FORT TOULOUSE-FORT JACKSON LEGISLATIVE JOINT INTERIM COMMITTEE.**

WHEREAS, hasty judgment by the Alabama Historical Commission staff in recent years has led to numerous errors costing and confusing the taxpayers of Alabama; and

WHEREAS, a recent public hearing in Wetumpka indicated considerable opposition to the Historical Commission's proposal to produce another reproduction of Fort Toulouse; and

WHEREAS, recent research by Auburn University has revealed that Fort Jackson was never completed and what was constructed was built for short duration usage, while in contrast, Fort Toulouse was one of the South's and the nation's leading trade forts for more than half a century; and

WHEREAS, more than 1,000 citizens of Elmore County want overwhelming emphasis placed on Fort Toulouse with the lesser significant Fort Jackson's restoration, restricted to the Powder Magazine; and

WHEREAS, the Elmore County Commission, the City of Wetumpka and the private citizens invested over \$25,000 in the restoration of Fort Toulouse; and

WHEREAS, hundreds of thousands of school children throughout Alabama have contributed to the restoration of Fort Toulouse and have been taught that Fort Toulouse is one of the nation's most significant landmarks; and

WHEREAS, Fort Toulouse and the State Capitol were the only two landmarks designated bicentennial projects by the Alabama Legislature; and

WHEREAS, highly significant, but totally undeveloped landmarks such as Cahawba and St. Stephens cry out for initial development as Alabama's economy limits governmental funds when the state ill-affords duplication in its historic development program; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there is hereby created an interim committee to study Fort Toulouse-Fort Jackson. Said committee shall consider all relevant aspects of said fort, including the excavation plan, con-



trol, funding, promotion and operation.

Said committee shall be composed of the two senators who represent Elmore County, the two representatives who represent Elmore County and one additional representative and one additional senator to be appointed by their respective presiding officers.

Upon request of the committee, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as it may be necessary for the committee's work.

Members of the committee shall receive no additional pay for duties performed as a committee member.

**BE IT FURTHER RESOLVED**, That the Fort Toulouse Joint Legislative Committee is hereby empowered to subpoena all records and documents from the Alabama Historical Commission in performance of their study and all construction work on the duplicate fort curtailed until the Joint Legislative Committee is completed.

**RESOLVED FURTHER**, That said committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth day of the next Regular Session, at which time the committee shall be abolished and discharged of any further obligations hereunder.

On motion of Senator Harrison, the Rules were suspended and the Resolution was adopted by the Senate.

### **BILL RECONSIDERED**

On motion of Senator Bachus, the Senate reconsidered the vote by which the Bill, H. B. 84, was passed.

On motion of Senator Bachus, further consideration of the Bill, H. B. 84, was postponed temporarily.

### **MOTION TO ADJOURN**

Senator Goodwin moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, July 13, 1983, at 11 o'clock A.M.

Senator Little offered a substitute motion that when the Senate adjourns today, it adjourn to meet on Wednesday, July 13, 1983, at 1 o'clock P.M., which motion was adopted.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 45. Relating to Mobile County; further providing for the distribution and transfer to the General Fund of Mobile County of certain license taxes collected and distributed in accordance with Act No. 162, Acts of Alabama 1963 and Act No. 82-344, Acts of Alabama 1982, which funds are to be designated for the provision of medical care to the medically indigent citizens of Mobile County.

Also:

H. 350. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a

municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

Also:

H. 521. To provide for changing the place of trial after selection of the jury in either criminal or civil cases in the circuit court of Marshall County from one courthouse to another; further to provide for, regulate and clarify venue between the two divisions of said court; further to provide for the summoning and service of grade and petit jurors in the two divisions of said court; to provide that the district court serving Marshall County or any similar court shall have the same geographical divisions and jurisdiction as the circuit court and that all provisions relating to venue between the two divisions of the circuit court of Marshall County shall apply to such court; and to repeal and supersede existing laws in conflict with this act.

Also:

H. 635. To authorize and empower the Mobile County Commission to grade all county dirt surfaced roads traveled by rural mail carrier for the United States Post Office Department provided that the land owners along such roads are willing to donate to the county the rights-of-way necessary for such grading projects.

Also:

H. 636. To authorize the Circuit Judge assigned to the Department of Investigation and Recovery of the Thirteenth Judicial Circuit, Mobile County, to select and appoint an Administrative Secretary, to provide for the salary of such Administrative Secretary, and the method of payment of such Administrative Secretary.

Also:

H. 669. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violation.

Also:

H. 676. Relating to Mobile County; providing for an annual distribution to the Historic Mobile Preservation Society for payment of utilities at Oakleigh Antebellum House Museum from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Also:

H. 721. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Also:

H. 760. Relating to Madison County; there is hereby established in Madison County, Alabama, a Special Services Division of the District Attor-

ney's Office of the Twenty-Third Judicial Circuit.

Also:

H. 637. Proposing an amendment to the Constitution of Alabama authorizing the Mobile County Commission to provide a health insurance plan for retired county employees at its discretion.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 395. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 395, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 395

Amend House Bill 395, on page 1, line 33 by deleting the figures "45" and inserting in lieu thereof the figures "48".

Further amend the bill on page 2, line 38 by striking the period ":" and inserting in lieu thereof the following:

; and a monthly return filed with the county within which the wine is sold at retail filed not later than the fifteenth day of each month showing sales by wholesalers during the preceding month and the county in which sold and the taxes due thereon at the rate of 3 cents per liter of table wine sold; and the taxes due at such rate shall be remitted to the county along with the return.

Further amend the bill on page 3, line 9 by striking the word "and" and inserting in lieu thereof a semicolon ";," and on line 15 by striking the period ":" and inserting in lieu thereof the following:

; and taxes at the rate of 3 cents per liter of table wine sold shall be remitted by the board to the county within which the wine was sold at retail not later than the last day of the month following the month of sale, as set forth in subsection (c) of this section.

Further amend the bill on page 3, line 39 by inserting the following:

"(3) Three cents per liter of table wine sold shall be paid by the board on its sales or by wholesale licenses on their sales into the treasury of the county in which the table wine was sold at retail.

On motion of Senator Teague, said amendment was laid on the table.

Senator Teague then offered the following amendment to the Bill, H. B. 395, to-wit:

### AMENDMENT TO H. B. 395

Amend House Bill 395, on page 1, line 33 by deleting the figures "45" and inserting in lieu thereof the figures "47".

Further amend the bill on page 2, line 38 by striking the period ":" and inserting in lieu thereof the following:

; and a monthly return filed with the county within which the wine is sold at retail filed not later than the fifteenth day of each month showing sales by wholesalers during the preceding month and the county in which sold and the taxes due thereon at the rate of 2 cents per liter of table wine sold; and the taxes due at such rate shall be remitted to the county along with the return.

Further amend the bill on page 3, line 9 by striking the word "and" and inserting in lieu thereof a semicolon ";" and on line 15 by striking the period "." and inserting in lieu thereof the following:

; and taxes at the rate of 2 cents per liter of table wine sold shall be remitted by the board to the county within which the wine was sold at retail not later than the last day of the month following the month of sale, as set forth in subsection (c) of this section.

Further amend the bill on page 3, line 39 by inserting the following:

"(3) Two cents per liter of table wine sold shall be paid by the board on its sales or by wholesale licenses on their sales into the treasury of the county in which the table wine was sold at retail.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Proctor	
Bachus	Cooley	Goodwin	Robertson	
Barron	Corbett	Keener	Smith (J)	
Bishop	deGraffenried	Menton	Teague	
Boyington	Denton	Parsons		—18

Nays: —0

And said Bill, H. B. 395, as thus amended, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Parsons	
Amari	Corbett	Keener	Robertson	
Bedsole	Covington	Little	Smith (J)	
Bishop	deGraffenried	Menton	Teague	
Cabaniss	Denton	Mitchell		—18

Nays: —0

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to Alabama Educational Television Commission.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 12th day of July, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Educational Television Commission:

Mr. T. T. Martin  
128 South  
Mobile, AL 36606

Respectfully submitted,

GEORGE C. WALLACE,  
Governor.

Done this 12th day of July, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Educational Television Commission, was read and referred to the Standing Committee on Rules.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 140. To further Amend "The Alabama Business Corporation Act", so as to clarify certain portions of said Act by amending Sections 10-2A-2, 10-2A-26, 10-2A-41, 10-2A-66, 10-2A-69, 10-2A-79, 10-2A-93, 10-2A-111, 10-2A-114, 10-2A-116, 10-2A-117, 10-2A-180, 10-2A-191, 10-2A-192, 10-2A-193, 10-2A-194, 10-2A-195, 10-2A-201, 10-2A-203, 10-2A-232, 10-2A-246, 10-2A-281, 10-2A-301, 10-2A-302, 10-2A-308, and 10-2A-337.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 140, to-wit:

## COMMITTEE SUBSTITUTE FOR S. B. 140

A BILL  
TO BE ENTITLED  
AN ACT

To further amend "The Alabama Business Corporation Act", so as to clarify certain portions of said Act by amending Sections 10-2A-2, 10-2A-26, 10-2A-41, 10-2A-66, 10-2A-79, 10-2A-93, 10-2A-114, 10-2A-117, 10-2A-180, 10-2A-191, 10-2A-192, 10-2A-193, 10-2A-194, 10-2A-195, 10-2A-201, 10-2A-203, 10-2A-232, 10-2A-246, 10-2A-281, 10-2A-301, 10-2A-302, 10-2A-308, and 10-2A-337.

Be It Enacted by the Legislature of Alabama:

Section 1. The Code of Alabama, as amended, is hereby amended so that Sections 10-2A-2, 10-2A-26, 10-2A-41, 10-2A-66, 10-2A-79, 10-2A-93, 10-2A-114, 10-2A-117, 10-2A-180, 10-2A-191, 10-2A-192, 10-2A-193, 10-2A-194, 10-2A-195, 10-2A-201, 10-2A-203, 10-2A-232, 10-2A-246, 10-2A-281, 10-2A-301, 10-2A-302, 10-2A-308, and 10-2A-337 are amended to read as follows:

Section 10-2A-2: DEFINITIONS.

As used in this Act, unless the context otherwise requires, the term:

(1) "Articles of incorporation" means the original or restated articles of incorporation or articles of consolidation and all amendments thereto including articles of merger.

(2) "Authorized shares" means the shares of all classes which the corporation is authorized to issue.

(3) "Capital surplus" means the entire surplus of a corporation other than its earned surplus.

(4) "Corporation" or "domestic corporation" means a corporation for profit subject to the provisions of this Act, except a foreign corporation.

(5) "Earned surplus" means the portion of the surplus of a corporation equal to the balance of its net profits, income, gains and losses from the date of incorporation, or from the latest date when a deficit was eliminated by an application of its capital surplus or stated capital or otherwise, after deducting subsequent distributions to shareholders and transfers to stated capital and capital surplus to the extent such distributions and transfers are made out of earned surplus. Earned surplus shall include also any portion of surplus allocated to earned surplus in mergers, consolidations or acquisitions of all or substantially all of the outstanding shares or of the property and assets of another corporation, domestic or foreign.

(6) "Employee" includes officers but not directors. A director may accept duties which make him also an employee.

(7) "Foreign corporation" means a corporation for profit organized under laws other than the laws of this State for a purpose or purposes for which a corporation may be organized under this Act.

(8) "Insolvent" means inability of a corporation to pay its debts as they become due in the usual course of its business.

(9) "Net assets" means the amount by which the total assets of a corporation exceed the total debts of the corporation.

(10) "Partner" includes partners in general partnerships and limited partnerships.

(11) "Partnership" includes general partnerships and limited

partnerships.

(12) "Probate judge" means the probate judge of the county in which the corporation's articles of incorporation are filed or, in the case of corporations existing on the effective date of this Act, the corporation's certificate of incorporation was filed, unless otherwise provided in this Act.

(13) "Redeemable shares" means shares issued by a corporation subject to a specific right of redemption by the issuing corporation set forth in its articles of incorporation.

(13) (14) "Shareholder" means one who is a holder of record of shares in a corporation. If the articles of incorporation or the by-laws so provide, the board of directors may adopt by resolution a procedure whereby a shareholder of the corporation may certify in writing to the corporation that all or a portion of the shares registered in the name of such shareholder are held for the account of a specified person or persons. The resolution shall set forth (1) the classification of shareholder who may certify, (2) the purpose or purposes for which the certification may be made, (3) the form of certification and information to be contained therein, (4) if the certification is with respect to a record date or closing of the stock transfer books, the time within which the certification must be received by the corporation and (5) such other provisions with respect to the procedure as are deemed necessary or desirable. Upon receipt by the corporation of a certification complying with the procedure, the persons specified in the certification shall be deemed, for the purpose or purposes set forth in the certification, to be the holders of record of the number of shares specified in place of the shareholder making the certification.

(14)(15) "Shares" means the units into which the proprietary interest in a corporation are divided.

(15)(16) "Stated capital" means, at any particular time, the sum of (1) the par value of all shares of the corporation having a par value that have been issued, (2) the amount of the consideration received by the corporation for all shares of the corporation without par value that have been issued, except such part of the consideration therefore as may have been allocated to capital surplus in a manner permitted by law, and (3) such amounts not included in clauses (1) and (2) of this paragraph as have been transferred to stated capital of the corporation, whether upon the issue of shares as a share dividend or otherwise, minus all reductions from such sum as have been effected in a manner permitted by law. Irrespective of the manner of designation thereof by the laws under which a foreign corporation is organized, the stated capital of a foreign corporation shall be determined on the same basis and in the same manner as the stated capital of a domestic corporation for the purpose of computing fees and other charges imposed by law, except franchise taxes.

(16)(17) "Subscriber" means one who subscribes for shares in a corporation, whether before or after incorporation.

(17)(18) "Surplus" means the excess of the net assets of a corporation over its stated capital.

(18)(19) "Treasury shares" means shares of a corporation which have been issued, have been subsequently acquired by and belong to the corporation, and have not, either by reason of the acquisition or thereafter, been cancelled or restored to the status of authorized but unissued shares. Treasury shares shall be deemed to be "issued" shares, but not "outstanding" shares.

(19)(20) "Verified" means supported by an affidavit or oath confirming the correctness, truth or authenticity of the matters set forth therein.

**Section 10-2A-26: RESERVED NAME.**

The exclusive right to the use of a corporate name may be reserved by:

(a) Any person, partnership, domestic corporation, or foreign corporation intending to organize a corporation under this Act.

(b) Any domestic corporation intending to change its name.

(c) Any foreign corporation intending to make application for a certificate of authority to transact business in this State.

(d) Any foreign corporation authorized to transact business in this State and intending to change its name.

(e) Any person, partnership, domestic corporation, or foreign corporation intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to transact business in this State.

The reservation shall be made by filing with the Secretary of State an application to reserve a specified corporate name, executed by the applicant and, in the case of a domestic corporation, specifying the county in which the corporation was or is proposed to be incorporated. ~~The name may also be reserved by telephone or other electronic means, subject to such requirements as the~~ The Secretary of State may also establish requirements, for the reservation of corporate name by such telephone or other electronic means. If the Secretary of State finds that the name is available for corporate use, he shall reserve the same for the exclusive use of the applicant for a period of 120 days and shall issue to the applicant a certificate showing that the name has been reserved and, in the case of a domestic corporation, specifying the county in which the corporation has been or is proposed to be incorporated. The right to the exclusive use of a specified corporate name so reserved may be transferred to any other person, partnership, domestic corporation or foreign corporation by filing in the office of the Secretary of State a notice of such transfer, executed by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

**Section 10-2A-41: RESTRICTION ON TRANSFER OF SECURITIES.**

(a) A written restriction on the transfer or registration of transfer of securities of a corporation, if permitted by this section and noted conspicuously on the security, may be enforced against the holder of the restricted security or any successor or transferee of the holder including an executor, administrator, trustee, guardian or other fiduciary entrusted with like responsibility for the person or estate of the holder. Unless noted conspicuously on the security, a restriction, even though permitted by this Section, is ineffective except against a person with actual knowledge of the restriction.

(b) A restriction on the transfer or registration of transfer of securities of a corporation may be imposed either by the articles of incorporation or by the by-laws or by an agreement among any number of security holders or among such holders and the corporation. No restriction so imposed shall be binding with respect to securities issued prior to the adoption of the restriction unless the holders of the securities are parties to an agreement or voted in favor of the restriction.

(c) A restriction on the transfer of securities of a corporation is permit-



ted by this section if it:

(1) Obligates the holder of the restricted securities to offer to the corporation or to any other holders of securities of the corporation or to any other person or to any combination of the foregoing, a prior opportunity, to be exercised within a reasonable time, to acquire the restricted securities; or

(2) Obligates the corporation or any other holder of securities of the corporation or any other person or any combination of the foregoing, to purchase the securities which are the subject of an agreement respecting the purchase and sale of the restricted securities; or

(3) Requires the corporation or the holders of any class of securities of the corporation to consent to any proposed transfer of the restricted securities or to approve the proposed transferee of the restricted securities; or

(4) Prohibits the transfer of the restricted securities to designated persons or classes of persons, and such designation is not manifestly unreasonable.

(d) Any restriction on the transfer of the securities of a corporation for one of the following purposes is conclusively presumed to be for a reasonable purpose:

(1) For the purpose of maintaining its status as an electing small business corporation as defined in subchapter S of the United States Internal Revenue Code of 1954 or any later such code, in the amended form in which the same shall be effective with reference to such electing small business corporations; and

(2) For the purpose of complying with the securities laws of any jurisdiction.

(e) In addition to the restrictions specifically permitted, any other reasonable restriction on transfer or registration of transfer of securities is permitted by this section.

(f) It shall be sufficient for the purposes of this section if each certificate representing securities subject to a written restriction on transfer contains the following restrictive legend: "The transfer of this security is subject to certain restrictions on transfer set forth in the articles of incorporation, the by-laws and/or written agreements among security holders or among security holders and the corporation, copies of which may be obtained from the Secretary of the corporation."

#### Section 10-2A-66: ACTION BY DIRECTORS WITHOUT A MEETING.

Unless otherwise provided by the articles of incorporation or by-laws, any action required by this Act to be taken at a meeting of the directors of a corporation, or any action which may be taken at a meeting of the directors or of a committee, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors, or all of the members of the committee, as the case may be. Such consent shall have the same effect as a unanimous vote: and may be described as such in any document.

#### Section 10-2A-79: BOOKS AND RECORDS: RIGHTS OF INSPECTION; PENALTY FOR REFUSAL TO PERMIT INSPECTION; FINANCIAL REPORTS TO SHAREHOLDERS.

(a) Each corporation, and each foreign corporation which has its princi-

pal place of business within this State, shall keep at a location within this State or shall make available at a location within this State, upon request of any shareholder of the corporation entitled to examine the same under the following provisions of this section, correct and complete records of all transactions of the corporation and also shall keep complete and correct minutes of the proceedings of its shareholders and board of directors and committees of the board of directors and shall keep at its registered office or principal place of business or at the office of its transfer agent or registrar a record of its shareholders, giving the names and addresses of all shareholders and the number and class of the shares held by each. Financial or accounting records may be kept in written form or in any other form capable of being converted to written form within a reasonable time.

(b) Any person who for six months immediately preceding his demand shall have been a holder of record of shares or of voting trust certificates therefor or who is the holder of record of, or the holder of record of voting trust certificates for, at least five percent (5%) of the outstanding shares of any class of shares of a corporation, upon written demand stating the purpose therefor, shall have the right to examine, in person, or by agent or attorney, at any reasonable time or times, for any proper purpose, all of its books, papers, records of account, minutes, and record of shareholders and holders of voting trust certificates and to make copies thereof or extracts therefrom. Provided, however, if a corporation is engaged in the business of banking, its books and records of account and minutes relating to the private financial affairs of borrowers and depositors who are neither officers, directors, or employees of the bank nor who are related to or engaged in business with an officer, director, or employee shall not be subject to examination by such a stockholder or by his agent or attorney in the absence of an order of a court of competent jurisdiction, after inspection of such books and records of account and minutes in camera, that such examination is necessary; and said order shall be subject to review in the Supreme Court of Alabama on writ of mandamus. Provided further that if a corporation is engaged in the business of banking, its said books and records of account and minutes shall be deemed not to include any reports of examination by state or federal supervisory agencies nor any actions taken nor reports made by the corporation to bank supervisory authorities pursuant thereto.

(c) Any officer or agent who, or a corporation which, without reasonable cause, shall refuse to allow any such shareholder or holder of voting trust certificates, or his agent or attorney so to examine and make copies of and extracts from its books, papers, records of account, minutes, and record of shareholders and holders of voting trust certificates, for any proper purpose, shall be liable to such shareholder or holder of voting trust certificates for a penalty of an amount not to exceed ten percent (10%) of the value of the shares owned by such shareholder, or in respect of which such voting trust certificates are issued, in addition to any other damages or remedy afforded him by law. It shall be a defense to an action brought to collect the penalty specified in this section that the person suing therefore within the two years next preceding the demand has sold or offered for sale any list of shareholders or of holders of voting trust certificates for shares of such corporation, or any other corporation or knowingly has aided or abetted any person in procuring any list of shareholders or of holders of voting trust certificates for such purpose, or improperly has used any information secured through any prior examination of the books, papers, records of account, minutes, or record of shareholders or of holders of voting trust certificates for shares of such corporation, or was not acting in good faith or for a proper purpose in making this demand.

(d) Nothing herein contained shall impair or restrict the power of any court of competent jurisdiction, upon proof by a shareholder or holder of voting trust certificates of a proper purpose, irrespective of the period of time during which such shareholder or holder of voting trust certificates shall have been a shareholder of record or a holder of record of voting trust certificates, and irrespective of the number of shares held by him or represented by voting trust certificates held by him, to compel the production for examination by such shareholder or holder of voting trust certificates, or his agent or attorney, of the books, papers, records of account, minutes, and record of shareholders and holders of voting trust certificates of a corporation.

(e) ~~The board of directors shall cause the corporation to mail to each of its shareholders and holders of voting trust certificates, not later than one hundred twenty (120) days after the close of each of its fiscal years, a financial statement, which may be consolidated, including a balance sheet as of the end of such fiscal year and a statement of income, (expenses and retained earnings) for such fiscal year (or from the inception of the corporation's business, if a shorter period). Such financial statement shall be prepared in accordance with generally accepted accounting principles, or, if the books of the corporation are not maintained on that basis, may be prepared either on the same basis used by the corporation for filing its United States income tax returns or as required by appropriate regulatory agencies. The financial statement shall be accompanied by a report of the president, the officer of the corporation in charge of its financial records, or a certified public accountant stating whether, in his opinion, the financial statements of the corporation present fairly the financial position of the corporation and the results of its operations in accordance with generally accepted accounting principles and, if not, describing the basis of their preparation and giving his opinion of the fairness of the presentation of the data shown by them, in accordance with accounting procedures generally used in the trade, industry, or business conducted by the corporation. Upon written request of any shareholder or holder of a voting trust certificate of a corporation, delivered to the registered agent, the board of directors shall cause the corporation to mail to such shareholder or holder of voting trust certificate, within sixty (60) days after the receipt of such request and at no cost to the shareholder or holder of a voting trust certificate, the corporation's most recent financial statements showing in reasonable detail its assets and liabilities and the results of its operations.~~

#### SECTION 10-2-93: FILING AND RECORDING.

All documents filed by the Probate Judge or the Secretary of State shall be recorded and a permanent record thereof shall be maintained by such office but no document shall be filed or recorded unless it complies with the provisions of this Act. When such document has been filed and recorded, the said executed copy of the document shall be returned to the corporation or its representative. The Probate Judge shall record in accordance with section 35-4-58. The Secretary of State may record by photostatic, photographic or microphotographic process or by any other generally recognized reproduction process, and any reproduction so made, whether enlarged or not, shall have the same force and effect as the original thereof and be admitted in evidence equally with the original.

#### SECTION 10-2A-114: FILING OF ARTICLES OF AMENDMENT.

The articles of amendment and a copy thereof, or if the articles of amendment change the name of the corporation, two copies thereof, shall be

delivered to the Probate Judge. If the Probate Judge finds that the articles of amendment conform to law, and, if the articles of amendment change the name of the corporation, he also finds that the proposed name is then reserved under section 10-2A-26, he shall, when all fees prescribed in this Act have been paid:

(1) Endorse on the articles of amendment and on the copy or copies thereof the word "Filed", and the hour, day, month, and year of the filing thereof.

(2) File the articles of amendment in his office and certify the copy or copies thereof.

(3) Issue a certificate of amendment to which he shall affix the a certified copy of the articles of amendment and return such certificate of amendment with the a certified copy of the articles of amendment affixed thereto to the corporation or its representative.

(4) If the articles of amendment change the name of the corporation, within 10 days after filing of the articles of amendment, transmit to the Secretary of State a certificate of amendment with a certified copy of the articles of amendment attached thereto, indicating thereon the place, date and time of filing of the articles of amendment.

(5) For failure of the Probate Judge to comply with the requirements of subparagraph (4) of this section, the Probate Judge shall forfeit \$50.00 to the State to be recovered in an action by the State.

#### SECTION 10-2A-117: AMENDMENT OF ARTICLES OF INCORPORATION IN REORGANIZATION PROCEEDINGS.

(a) Whenever a plan of reorganization of a corporation has been confirmed by decree or order of a court of competent jurisdiction in proceedings for the reorganization of such corporation, pursuant to the provisions of any applicable statute of the United States relating to reorganizations of corporations, the articles of incorporation of the corporation may be amended, in the manner provided in this section, in as many respects as may be necessary to carry out the plan and put it into effect, so long as the articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation at the time of making such amendment.

(b) In particular and without limitation upon such general power of amendment, the articles of incorporation may be amended for such purpose so as to:

(1) Change the corporate name, period of duration or corporate purposes of the corporation;

(2) Repeal, alter or amend the by-laws of the corporation;

(3) Change the aggregate number of share or shares of any class, which the corporation has authority to issue;

(4) Change the preferences, limitations and relative rights in respect of all or any part of the shares of the corporation and classify, reclassify or cancel all or any part thereof, whether issued or unissued;

(5) Authorize the issuance of bonds, debentures or other obligations of the corporation, whether or not convertible into shares of any class or bearing warrants or other evidences of optional rights to purchase or subscribe for shares of any class, and fix the terms and conditions thereof; and

(6) Constitute or reconstitute and classify or reclassify the board of directors of the corporation, and appoint directors and officers in place of or in addition to all or any of the directors or officers then in office.

(c) Amendments to the articles of incorporation pursuant to this section shall be made in the following manner:

(1) Articles of amendment approved by decree or order of such court shall be executed and verified by such person or persons as the court shall designate or appoint for the purpose, and shall set forth the name of the corporation, the amendments of the article of incorporation approved by the court, the date of the decree or order approving the articles of amendment, the title of the proceedings in which the decree or order was entered, and a statement that such decree or order was entered by a court having jurisdiction of the proceedings for the reorganization of the corporation pursuant to the provisions of an applicable statute of the United States.

(2) The articles of amendment and a copy, except when the articles of amendment change the name of the corporation, a copy two copies thereof, shall be delivered to the Probate Judge. If the Probate Judge finds that the articles of amendment conform to law, he shall, when all fees prescribed in this Act have been paid:

a. Endorse on the articles of amendment and on the copy or copies the word "Filed", and the hour, day, month and year of the filing thereof.

b. File the articles of amendment in his office and certify the copy or copies thereof.

c. Issue a certificate of amendment to which he shall affix a certified copy of the articles of amendment, and return such certificate of amendment with the a certified copy of the articles of amendment affixed thereto to the corporation or its representative.

d. If the articles of amendment change the name of the corporation, within 10 days after the issuance of a restated certificate of amendment, transmit to the Secretary of State a copy of the restated certificate of incorporation with a certified copy of the articles of amendment attached thereto, indicating thereon the place, date, and time of filing of the articles of amendment.

e. For failure of the Probate Judge to comply with the requirements of subdivision (d) of subparagraph (2) of subsection (b) of this section, the Probate Judge shall forfeit \$50.00 to the State to be recovered in an action by the State.

(3) Upon the issuance of the certificate of amendment, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly, without any action thereon by the directors or shareholders of the corporation and with the same effect as if the amendments had been adopted by unanimous action of the directors and shareholders of the corporation.

#### Section 10-2A-180: VOLUNTARY DISSOLUTION BY INCORPORATORS.

(a) A corporation which has not commenced business and which has not issued any shares, may be voluntarily dissolved by its incorporators at any time in the following manner:

(1) Articles of dissolution shall be executed by a majority of the incorporators, and verified by them, and shall set forth:

- a. The name of the corporation.
- b. The date of issuance of its certificate of incorporation.
- c. That none of its shares has been issued.
- d. That the corporation has not commenced business.
- e. That the amount, if any, actually paid in or subscriptions for its shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto.
- f. That no debts of the corporation remain unpaid.
- g. That a majority of the incorporators elect that the corporation be dissolved.

(2) The articles of dissolution and a copy two copies thereof shall be delivered to the Probate Judge. If the Probate Judge finds that the articles of dissolution conform to law, he shall, when all fees prescribed in this Act have been paid:

a. Endorse on the articles of dissolution and on the copy thereof each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.

b. File the articles of dissolution in his office and certify the copy two copies thereof.

c. Issue a certificate of dissolution to which he shall affix a certified copy of the articles of dissolution and return such certificate of dissolution with the a certified copy of the articles of dissolution affixed thereto to the incorporators or their representative.

d. Within 10 days after the filing of the articles of dissolution, transmit to the Secretary of State a certificate of dissolution with a certified copy of the articles of dissolution attached thereto, indicating thereon the place, date and time of filing the articles of dissolution.

e. For failure of the Probate Judge to comply with the requirements of subparagraph (d) of subparagraph (2) of subsection (a) of this section, the Probate Judge shall forfeit \$50.00 to the State to be recovered in an action by the State.

(b) Upon the issuance of such certificate of dissolution, the existence of the corporation shall cease.

#### Section 10-2A-191: FILING OF ARTICLES OF DISSOLUTION.

(a) The articles of dissolution and a copy two copies thereof shall be delivered to the Probate Judge. If the Probate Judge finds that such articles of dissolution conform to law, he shall, when all fees prescribed in this Act have been paid:

(1) Endorse on the articles of dissolution and on the copy thereof each of such copies the word "Filed", and the hour, day, month and year of the filing thereof.

(2) File the articles of dissolution in his office and certify the copy two copies thereof.

(3) Issue a certificate of dissolution to which he shall affix a certified copy of the articles of dissolution, and return such certificate of dissolution with the a certified copy of articles of dissolution affixed thereto to the representative of the dissolved corporation.

(4) Within 10 days after the issuance of the certificate of dissolution,

transmit to the Secretary of State a certificate of dissolution with a certified copy of the articles of dissolution attached thereto, indicating thereon the place, date and time of filing of such statement.

(5) For failure of the Probate Judge to comply with the requirements of subparagraph (4) of this section, the Probate Judge shall forfeit \$50.00 to the State to be recovered in an action by the State.

(b) Upon the issuance of such certificate of dissolution, the existence of the corporation shall cease, except for the purpose of suits, other proceedings and appropriate corporation action by shareholders, directors, and officers as provided in this Act.

Section 10-2A-192: INVOLUNTARY DISSOLUTION - GROUNDS.

(a) A corporation may be dissolved involuntarily by an order of the circuit court of the county in which the registered office of the corporation is situated in an action filed by the Attorney General when it is established that:

(1) The corporation has failed to file its annual report within the time required by this Act, or has failed to pay its franchise tax on or before the expiration of six months after the date on which such franchise tax becomes due and payable, and the corporation has not been dissolved by operation of law as hereinafter provided; or

(2) The corporation procured its articles of incorporation through fraud; or

(3) The corporation has repeatedly and willfully exceeded or abused the authority conferred upon it by law; or

(4) The corporation has failed for thirty (30) days to appoint and maintain a registered agent in this state.

(b) Any corporation that has failed to file its annual report or pay its franchise tax, together with all penalties thereon, as provided by law, shall be dissolved by operation of law (i) at the end of thirty (30) days after the date of receipt of notice of such dissolution sent by the Commissioner of Revenue to the corporation by registered or certified mail, return receipt requested, to the registered office of the corporation, or (ii) if there is not on file with the Commissioner of Revenue an address for the registered office of the corporation or, if notice is sent to the corporation by registered or certified mail pursuant to clause (i) above and no return receipt showing that the notice has been received by the corporation is returned to the Commissioner of Revenue within thirty (30) days after the date the notice is mailed, at the end of thirty (30) days after the date of publication of notice of such dissolution, as in other civil cases, in some newspaper published in the county in which the office of Probate Judge is situated, unless within such thirty (30) day period following receipt of notice of publication, as the case may be, the corporation shall file its annual report and pay its franchise tax, together with all penalties thereon, or unless a separate proceeding shall be initiated in accordance with this section.

(1) When any corporation has been notified of its failure to file its annual report or pay its franchise tax within six months after the same becomes due, together with all penalties thereon as provided by law, it may request that the Commissioner of Revenue hold an administrative hearing at the earliest practical date, at which hearing the questions to be determined shall be whether or not the corporation has in fact (a) filed its annual report; (b) paid its franchise tax; or, (c) initiated a separate proceeding to

determine the correctness of the assessment, together with all penalties thereon.

(2) After such administrative hearing, the Commissioner shall enter his finding of fact regarding the questions before him. If his finding is that (a) the corporation has failed to file its annual report; (b) the corporation has failed to pay its franchise tax as required by law; (c) the corporation failed to appear at the administrative hearing; or (d) no separate proceeding is pending, the Commissioner of Revenue shall cause to be filed with the Probate Judge and with the Secretary of State a certificate setting forth his finding of fact, or the fact that the corporation failed to appear, and the fact that the corporation is dissolved by operation of law from the date such finding of fact is entered. The Commissioner shall notify the corporation of such finding and the date such finding was entered by (i) registered or certified mail, return receipt requested, to the registered office of the corporation, if notice was given by mail under (b)(1) above and a return receipt was received or appearance was made on behalf of the corporation or otherwise by (ii) publication in some newspaper published in the county in which the office of the Probate Judge is situated.

(3) Any corporation which has requested and appeared at an administrative hearing as provided in subdivision (1) of subparagraph (b) above may appeal as provided in the Alabama Administrative Procedure Act. If the court shall find that the corporation did not establish before the Commissioner of Revenue that it had filed its annual report and paid its franchise tax together with all penalties thereon as required by law, or that a separate proceeding is pending to determine the correctness of the assessment the court shall enter its order that the corporation is involuntarily dissolved, and shall, where necessary, proceed to liquidate the assets of the corporation as provided in section 10-2A-195 et seq. The cost of such proceedings shall be borne by the corporation from its assets, unless the court shall find that the evidence before the commissioner was sufficient to establish that the corporation had filed its annual report, paid its franchise tax or a separate proceeding is pending to determine the correctness of the assessment, together with all penalties thereon as provided by law.

**Section 10-2A-193: NOTIFICATION OF CAUSES FOR DISSOLUTION TO ATTORNEY-GENERAL AND SECRETARY OF STATE BY COMMISSIONER OF REVENUE; INITIATION OF ACTION; ABATEMENT.**

The commissioner of revenue, on or before the last day of December of each year, shall certify to the Attorney General and to the secretary of state the names of all corporations which have failed to file their annual reports or to pay franchise taxes, together with the facts pertinent thereto. He shall also certify, from time to time, the names of all corporations which have given other cause of dissolution as provided in this Act, together with the facts pertinent thereto. Whenever the Commissioner of Revenue shall certify the name of a corporation to the Attorney General as having given any cause for dissolution, the The Commissioner of Revenue shall concurrently with such certification mail to the corporation at its registered office a notice that such certification has been made; and that the corporation will be dissolved by operation of law at the end of the thirtieth day after the date of receipt or publication of the notice unless the corporation shall file its annual report and pay its franchise tax, together with all penalties thereon as required by law or establish that a separate proceeding is pending to determine the correctness of the assessment. After receiving this notice, the corporation may within thirty days of the date of certification request that



the Commissioner or his designated representative hold an administrative hearing at the earliest practical date. At such hearing, the questions to be determined shall be as provided in Section 10-2A-192 and the Commissioner of Revenue shall enter a finding of fact regarding such questions and notify the corporation as provided in section 10-2A-192. Upon the receipt of such certification, the Attorney General shall file an action in the name of the State against such corporation for its dissolution. Every such certificate from the Commissioner of Revenue to the Attorney General Secretary of State pertaining to the failure of a corporation to file an annual report or pay a franchise tax pursuant to this section shall be taken or received in all courts as prima facie evidence of the facts therein stated. If, before action is filed, the corporation shall file its annual report or pay its franchise tax, together with all penalties thereon, or shall appoint or maintain a registered agent as provided in this Act, such fact shall be forthwith certified by the Commissioner of Revenue or the Secretary of State to the Attorney General and he shall not file an action against such corporation for such cause. If, after action is filed, the corporation shall file its annual report or pay its franchise tax, together with all penalties thereon, or shall appoint or maintain a registered agent as provided in this Act, and shall pay the cost of such action, the action for such cause shall abate.

Section 10-2A-194: SAME - VENUE AND PROCESS.

Every action for the involuntary dissolution of a corporation, except dissolution by operation of law as provided in this Act, shall be commenced by the Attorney General in the circuit court of the county in which the registered office of the corporation is situated. Summons shall issue and be served as in other civil actions. If process is returned not found, the Attorney General shall cause service to be made by publication as in other civil cases in some newspaper published in the county where the registered office of the corporation is situated.

Section 10-2A-195: JURISDICTION OF COURT TO LIQUIDATE ASSETS AND BUSINESS OF CORPORATION.

(a) The circuit court of the county in which the registered office of the corporation is situated shall have full power to liquidate the assets and business of a corporation:

(1) In an action by a shareholder when it is established:

a. That the directors are deadlocked in the management of the corporate affairs and the shareholders are unable to break the deadlock, and that irreparable injury to the corporation is being suffered or is threatened by reason thereof; or

b. That the acts of the directors or those in control of the corporation are illegal, oppressive or fraudulent; or

c. That the shareholders are deadlocked in voting power, and have failed, for a period which includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired upon the election of their successors; or

d. That the corporate assets are being misapplied or wasted; or

e. That the corporation is insolvent.

(2) In an action by a creditor:

a. When the claim of the creditor as been reduced to judgment and an execution thereon returned unsatisfied and it is established that the corpo-

ration is insolvent; or

b. When the corporation has admitted in writing that the claim of the creditor is due and owing and it is established that the corporation is insolvent.

(3) Upon application by a corporation which has filed a statement of intent to dissolve, as provided in this Act, to have its liquidation continued under the supervision of the court.

(4) When an action has been filed by the Attorney General to dissolve a corporation and its is established that liquidation of its business and affairs should precede the entry of a decree of dissolution.

(5) When an appeal has been taken by a corporation from a finding of fact by the Commissioner of Revenue to the effect that the corporation has failed to file its annual report or pay its franchise tax together with all penalties thereon as required by law, and it is established that liquidation of its business and affairs should precede the entry of a decree of dissolution.

(b) Proceedings under this section shall be brought in the county in which the registered office of the corporation is situated.

(c) It shall not be necessary to make shareholders parties to any such action or proceeding unless relief is sought against them personally.

#### Section 10-2A-201: FILING OF ORDER OF DISSOLUTION.

In case the court shall enter an order dissolving a corporation, it shall be the duty of the clerk of such court to cause a certified copy of the order to be filed with the Probate Judge and the Secretary of State. When the Commissioner of Revenue makes a finding of fact after an administrative hearing as provided in this Act, or upon the failure of the corporation to request or appear at such administrative hearing and the corporation is dissolved by operation of law as provided in this Act, the Commissioner of Revenue shall cause to be filed with the Probate Judge and with the Secretary of State, a copy of the findings of fact, if any, and notification of dissolution. No fee shall be charged by the Probate Judge or by the Secretary of State for the filing thereof.

#### Section 10-2A-203: SURVIVAL OF REMEDY AFTER DISSOLUTION AND CONTINUED EXISTENCE OF CERTAIN EXPIRED AND DISSOLVED CORPORATIONS FOR CERTAIN PURPOSES.

The dissolution of a corporation either (1) by the issuance of a certificate of dissolution by the Probate Judge, or (2) by a decree of court when the court has not liquidated the assets and business of the corporation as provided in this Act, or (3) by operation of law, or (4) by expiration of its period of duration, shall not take away or impair any remedy available to or against such corporation, its directors, officers, or shareholders, for any right or claim existing, or any liability incurred, prior to such dissolution if action or other proceeding thereon is commenced within two five years after the date of such dissolution. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name. The shareholders, directors and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right or claim; such power shall include, but not be limited to, perfecting title to the corporation's properties in itself or in a person or persons who acquired property or who are entitled to acquire property from the corporation, including but not limited to the execution of deeds and other conveyances. If such corporation was dissolved by the expiration of its period of

duration, such corporation may amend its articles of incorporation at any time during such period of two five years so as to extend its period of duration. On application to the circuit court of the county in which the registered office of the corporation is situated, said five year period may be extended for such additional period of time as the court may deem to be necessary for the purposes set forth in this Section.

Section 10-2A-232: CONTENTS AND EXECUTION OF APPLICATION FOR CERTIFICATE OF AUTHORITY.

(a) A foreign corporation, in order to procure a certificate of authority to transact business in this State, shall make application therefor to the Secretary of State, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the name of the corporation does not contain the word "corporation" or "incorporated", or does not contain an abbreviation of one of such words or, in the case of a banking corporation, does not contain the word "corporation" or "incorporated" or an abbreviation of one of such words or the word "bank", "banking" or "bankers", then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this State.

(3) The date of incorporation and the period of duration of the corporation.

(4) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(5) The address of the proposed registered office of the corporation in this State, and the name of its proposed registered agent in this State at such address.

(6) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this State, which may include the transaction of any or all lawful business for which corporations may be organized under this Act.

(7) The names and respective addresses of the directors and officers of the corporation.

(8) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(9) A statement of the aggregate number of issued shares itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(10) A statement, expressed in dollars, of the amount of stated capital of the corporation, as defined in this Act.

(11) Such additional information as may be necessary or appropriate in order to enable the Secretary of State to determine whether such corporation is entitled to a certificate of authority to transact business in this State and to determine and assess the fees payable as in this Act prescribed.

(b) Such application shall be made on forms prescribed and furnished by the Secretary of State and shall be executed for the corporation by its president or a vice president and by its secretary or an assistant secretary,

and verified by one of the officers signing such application.

**Section 10-2A-246: APPLICATION OF CHAPTER TO CORPORATIONS HERETOFORE AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE.**

Foreign corporations which are duly authorized to transact business in this State on January 1, 1981, for a purpose or purposes for which a corporation might secure such authority under this Act, shall be entitled to all the rights and privileges applicable to foreign corporations procuring certificates of authority to transact business in this State under this Act and from January 1, 1981, such corporations shall be subject to all the limitations, restrictions, liabilities and duties prescribed herein for foreign corporations procuring certificates of authority to transact business in this State under this Act; provided, however, that such corporations shall not be subject to the provisions of section 10-2A-230 of this Act.

**Section 10-2A-281: FEES FOR FILING DOCUMENTS AND ISSUING CERTIFICATES.**

(a) In lieu of all other charges and fees the Probate Judge shall charge and collect in accordance with the provisions of this Act:

(1) Filing articles of incorporation and issuing a certificate of incorporation, \$20.00 for the State of Alabama and \$25.00 for the Probate Judge.

(2) Filing articles of corrections, \$10.00 for the Probate Judge.

(3) Filing articles of amendment and issuing a certificate of amendment, \$10.00 for the Probate Judge and \$10.00 for the State of Alabama.

(4) Filing restated articles of incorporation, \$25.00 for the Probate Judge.

(5) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, \$75.00 for the State of Alabama and \$25.00 for the Probate Judge.

(6) Filing an application to reserve a corporation name, \$5.00 for the State of Alabama.

(7) Filing a notice of transfer of a reserved corporate name, \$5.00 for the State of Alabama.

(8) Filing a statement of change of address of registered office or change of registered agent, or both, \$5.00 for the State of Alabama.

(9) Filing a statement of the establishment of a series of shares, \$5.00 for the Probate Judge.

(10) Filing a statement of cancellation of shares, \$5.00 for the Probate Judge.

(11) Filing a statement of reduction of stated capital, \$5.00 for the Probate Judge.

(12) Filing a statement of intent to dissolve, \$5.00 for the Probate Judge and \$5.00 for the State of Alabama.

(13) Filing a statement of revocation of voluntary dissolution proceedings, \$5.00 for the Probate Judge and \$5.00 for the State of Alabama.

(14) Filing articles of dissolution, \$5.00 for the Probate Judge and \$5.00 for the State of Alabama.

(15) Filing an application of a foreign corporation for a certificate of authority to transact business in this State and issuing a certificate of authority, \$75.00 for the State of Alabama.

(16) Filing an application of a foreign corporation for an amended certificate of authority to transact business in this State and issuing an amended certificate of authority, \$25.00 for the State of Alabama.

(17) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this State, \$25.00 for the State of Alabama.

(18) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this State, \$100.00 for the State of Alabama.

(19) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, \$5.00 for the State of Alabama.

(b) When appropriate two checks shall accompany the document, one payable to the Probate Judge for all charges for the Probate Judge, and one payable to the State of Alabama covering all charges for the Secretary of State. The check for the Secretary of State will be forwarded by the Probate Judge to the Secretary of State.

(c) The fees herein imposed for the State of Alabama shall be collected by the Secretary of State and paid into the treasury of the State. The fees herein imposed for the Office of the Probate Judge shall be charged and paid into the appropriate county treasury or to the Probate Judge as may be authorized or required by law.

Section 10-2A-301: "CLOSE CORPORATION" DEFINED; CONTENTS OF ARTICLES OF INCORPORATION; NUMBER OF SHAREHOLDERS.

(a) A close corporation is a corporation organized under this Chapter whose articles of incorporation contain the provisions required by Section 10-2A-91 of this Act and, in addition, provide that:

(1) The corporation is a close corporation authorized by this Article;

(2) All of the issued shares of all classes shall be subject to one or more of the restrictions on transfer permitted by Section 10-2A-41; and

~~(3) For purposes of determining the number of holders of record of the stock of a close corporation, stock which is held in joint or common tenancy or by the entireties shall be treated as held by one shareholder.~~

(3) All of the corporation's issued shares of all classes, exclusive of treasury shares, shall be held of record by not more than a specified number of persons, not exceeding 35.

(b) The articles of incorporation of a close corporation may set forth the qualifications of shareholders, either by specifying classes of persons who shall be entitled to be holders of record of shares of any class, or by specifying classes of persons who shall not be entitled to be holders of shares of any class or both.

~~(c) All of the corporation's issued shares of all classes, exclusive of treasury shares, shall be held of record by not more than a specified number of persons, not exceeding 30.~~

(c) For purposes of determining the number of holders of record of the

stock of a close corporation, stock which is held in joint or common tenancy or by the entireties shall be treated as held by one shareholder.

Section 10-2A-302: FORMATION OF A CLOSE CORPORATION.

A close corporation shall be formed in accordance with sections 10-2A-90 through 10-2A-96, except that such formation must be authorized by the affirmative vote of all holders of and subscribers to shares of the corporation, and:

(1) The articles of incorporation shall contain a heading stating the name of the corporation and that it is a close corporation, and

(2) The articles of incorporation shall contain the provisions required by Section 10-2A-301, and

(3) Each certificate for shares shall conspicuously note with the phrase "a close corporation" the fact that the corporation is a close corporation and make reference to the restriction on transfer of shares set forth in the articles of incorporation.

Section 10-2A-308: MANAGEMENT BY SHAREHOLDERS.

The articles of incorporation of a close corporation may provide that the business of the corporation shall be managed by the shareholders of the corporation rather than by a board of directors. So long as this provision continues in effect,

(1) No meeting of shareholders need be called to elect directors;

(2) Unless the context clearly requires otherwise, the shareholders of the corporation shall be deemed to be directors for purposes of applying provisions of this article; and

(3) The shareholders of the corporation shall be subject to all liabilities of directors.

Such a provision may be inserted in the articles of incorporation by amendment if all incorporators and subscribers or all holders of record of all of the outstanding shares, whether or not having voting power, authorize such a provision. An amendment to the articles of incorporation to delete such a provision shall be adopted by a vote of the holders of record of not less than one-third of all outstanding shares of the corporation, whether or not otherwise entitled to vote. If the articles of incorporation contain a provision authorized by this section, the existence of such provision shall be noted conspicuously on the face or back of every certificate for shares issued by such corporation; , for which purpose it shall be sufficient to state that: "The business of the corporation shall be managed by the shareholders of the corporation rather than by a board of directors."

Section 10-2A-337: APPLICATION TO FOREIGN AND INTER-STATE COMMERCE AND UNITED STATES CORPORATIONS.

(a) The provisions of this Act shall apply to commerce with foreign nations and among the several states only insofar as the same may be permitted under the provisions of the Constitution of the United States.

(b) The provisions of sections 10-2A-226, 10-2A-227, 10-2A-230 through 10-2A-261, both inclusive, and 10-2A-283 do not apply to corporations organized under the laws of the United States nor to corporations engaging in or transacting business of interstate commerce only within this state.

Section 2. The provisions of this act are severable. If any part of the

act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This Act shall become effective at 12:01 a.m. on January 1, 1984.

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Cabaniss	Kirkland	Proctor	
Bedford	Corbett	Little	Robertson	
Bedsole	Covington	Menton	Smith (B)	
Bishop	deGraffenried	Mitchell	Smith (J)	
Boyington	Keener	Parsons	Teague	—19

*Nays:* —0

And said Bill, S. B. 140, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Cooley	Keener	Proctor	
Aldridge	Corbett	Kirkland	Robertson	
Bachus	deGraffenried	Little	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsole	Figures	Mitchell	Teague	
Cabaniss	Goodwin			—21

*Nays:* —0

## RESOLUTION

Senators deGraffenried, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague offered the following Senate Resolution, to-wit:

S. R. 260. MOURNING THE DEATH OF MR. TROY L. SHEARS.

Which was adopted.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 191. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Senators:	Cabaniss	Dixon	Little	
Aldridge	Corbett	Figures	Menton	
Bachus	Covington	Foshee	Mitchell	
Barron	deGraffenried	Keener	Smith (J)	
Bedsole	Denton	Kirkland	Teague	
Boyington				—20

*Nays:*

—0

The Bill:

S. 192. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Cabaniss	Harrison	Mitchell	
Bailey	Covington	Keener	Proctor	
Barron	Denton	Kirkland	Smith (J)	
Bedsole	Foshee	Little	Teague	
Boyington	Goodwin	Menton		—18

*Nays:*

—0

Senator Little requested that the Rules be suspended in order that he might bring up the Bill:

S. 443. To amend Sections 41-16-51 and 41-16-57, Code of Alabama 1975, as amended, so as to exempt from the requirements of competitive bidding, and to exempt from the limitations on the maximum duration of contracts for the purchase of personal property or contractual services, any agreement, heretofore or hereafter entered into, between any governmental entity or instrumentality thereof, whose contracts are governed by the provisions of Title 41, Chapter 16, Article 3 of Code of Alabama 1975, as amended, and any other party or parties pursuant to which such other party or parties shall provide water, sewer, sewage treatment, sewage disposal, solid waste disposal, resource recovery, wastewater treatment, pollution control or jail or criminal detention services to or for the benefit of such governmental entity or instrumentality under circumstances in which such other party shall provide facilities used in the provision of such services to or for the benefit of such governmental entity or instrumentality in lieu of provision of such facilities by such governmental entity or instrumentality.

Under the provisions of Senate Rule 37, Senator Little requested that the Journal record the names of Senators Denton and Smith (J), as being the members who objected to suspension of the Rules.



**COMMITTEE REPORT FILED**

Pursuant to the provisions of S. J. R. 43, 1983 Second Special Session, the report of the Joint Committee on Industrial Expansion, Economic Growth, and Jobs, was read and ordered filed with the Secretary.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 107. To amend Section 22-50-22, Code of Alabama 1975, which section exempts the superintendent of the mental health board and physicians from state mental facilities from being a witness in certain cases, so as to permit depositions to be taken by the state of such persons in criminal proceedings, upon such notice as is consistent with the Alabama Rules of Civil Procedure.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Little	
Bailey	Cooley	Foshee	Menton	
Barron	Corbett	Goodwin	Mitchell	
Bedford	Covington	Harrison	Smith (B)	
Bedsole	Denton	Keener	Smith (J)	
Boyington	Dixon	Kirkland	Teague	—23

Nays: —0

The Bill:

H. 370. Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by federal law to a federal savings bank, federal savings and loan association or federal savings and loan association service corporation, so long as any such activity not otherwise permissible to a state bank is not conducted within the State of Alabama; to permit any bank organized under the laws of Alabama to acquire any or all of the shares of one or more federal or state savings banks or savings and loan associations having no offices within Alabama; to provide for the disposition or closing of offices upon the establishment or acquisition of offices within the State of Alabama; to provide that this Act makes no changes in laws pertaining to branch banking in Alabama; to provide that the provisions of this Act are cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

was taken up.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 179. NAMING A PORTION OF HIGHWAY 50 "THE REVEREND JAMES ARTER SMITH HIGHWAY."

Also:

S. J. R. 180. COMMENDING MRS. GLORIA GARY FOR OUTSTANDING SERVICE TO THE STUDENTS OF SCOTT ELEMENTARY SCHOOL IN PRATT CITY.

Also:

S. J. R. 225. COMMENDING MR. JOHN A. STANLEY, SR., OF CHICKASAW, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

S. J. R. 249. URGING PRESIDENT REAGAN AND THE CONGRESS TO EXPEDITE THE APPROPRIATIONS FOR REPLACEMENT OF THE WILLIAM BACON OLIVER LOCK AND DAM ON THE WARRIOR RIVER NEAR TUSCALOOSA, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 475. Relating to the city of Mobile, establishing and providing for the Mobile City Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from section 28-3-281, Code of Alabama 1975; providing for the forfeiture of certain funds upon falsification of registration forms; and providing for retroactive effect to January 1, 1983.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 44. Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; providing for the transfer to the Mobile County Indigent Care Board of a portion of oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, to be designated for the provision of medical care to the medically indigent citizens of Mobile County, with certain provisions that unexpended reserves from such source may be returned to the General Fund of Mobile County; and to provide that the provisions of this Act shall be construed cumulatively.

Also:

H. 296. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are

not otherwise covered by the State's Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

JOHN W. PEMBERTON,  
Clerk.

**FURTHER CONSIDERATION OF H. B. 370**

The Senate proceeded to further consideration of the Bill, H. B. 370.

On motion of Senator Proctor, further consideration of the Bill, H. B. 370, was postponed temporarily.

Yeas 17; Nays 13.

*Yeas:*

Senators:	Boyington	Harrison	Proctor
Aldridge	Corbett	Kirkland	Robertson
Bailey	Denton	Menton	Smith (J)
Bedford	Figures	Mitchell	Teague
Bedsole	Foshee		

—17

*Nays:*

Senators:	Bishop	Dixon	Keener
Amari	Cabaniss	Goodwin	Little
Bachus	Cooley	Hilliard	Smith (B)
Barron	deGraffenried		

—13

**FURTHER CONSIDERATION OF S. B. 116**

The Senate proceeded to further consideration of the Bill, S. B. 116.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, S. B. 116, to-wit:

**COMMITTEE AMENDMENT TO S. B. 116**

Amend Senate Bill 116 on page 2, line 9, by inserting the word "and" after the word "Counseling"

• **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 44. Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; providing for the transfer to the Mobile County Indigent Care Board of a portion of oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, to be designated for the provision of medical care to the medically indigent citizens of Mobile County, with certain provisions that

unexpended reserves from such source may be returned to the General Fund of Mobile County; and to provide that the provisions of this Act shall be construed cumulatively.

Also:

H. 296. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the State's Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for an employee review panel to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

Also:

H. 475. Relating to the city of Mobile, establishing and providing for the Mobile City Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from section 28-3-281, Code of Alabama 1975; providing for the forfeiture of certain funds upon falsification of registration forms; and providing for retroactive effect to January 1, 1983.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 333. TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Mes-

sage from the House.

### RESOLUTION

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 261. COMMENDING MR. BENNETT EDWARD HIGGINS  
FOR OUTSTANDING COMMUNITY SERVICE.

Which was adopted.

### FURTHER CONSIDERATION OF S. B. 116

The Senate proceeded to further consideration of the Bill, S. B. 116.  
The question was on the Committee amendment.

On motion of Senator deGraffenried, further consideration of the Bill,  
S. B. 116, and pending amendment, was postponed temporarily.

### FURTHER CONSIDERATION OF H. B. 370

Senator Proctor moved that the Senate bring up the Bill, H. B. 370, for  
further consideration.

Senator Kirkland moved that Senator Proctor's motion be laid on the  
table, which motion was lost.

Yeas 12; Nays 13.

*Yeas:*

Senators:	Bishop	Denton	Mitchell
Aldridge	Boyington	Foshee	Smith (J)
Bailey	Corbett	Kirkland	Teague
Bedford			

—12

*Nays:*

Senators:	Cabaniss	Goodwin	Menton
Bachus	Cooley	Keener	Proctor
Barron	deGraffenried	Little	Smith (B)
Bedsole	Dixon		

—13

The question was then on the motion of Senator Proctor that the Sen-  
ate bring up the Bill, H. B. 370, for further consideration, which motion was  
adopted.

On motion of Senator Keener, further consideration of the Bill, H. B.  
370, was postponed until the Twenty-Eighth Legislative Day as Unfinished  
Business.

### MOTION TO ADJOURN LOST

At 6:40 P.M., Senator Kirkland moved that the Senate adjourn until  
Wednesday, July 13, 1983, at 1 o'clock P.M., which motion was lost.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 337. To provide for the use of blue reflective markers, of varying  
types, for the purpose of indicating the location of fire/water hydrants along  
public roads.

was taken up.

Senator Corbett offered the following substitute for the Bill, S. B. 337, to-wit:

**SUBSTITUTE FOR S. B. 337**

**A BILL  
TO BE ENTITLED  
AN ACT**

To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

Be It Enacted by the Legislature of Alabama:

Section 1. For purposes of this act, the following words and phrases shall have the respective meanings ascribed to them:

(a) "Blue Reflective Markers" shall mean nonlighted, but reflective devices which are blue in color of the reflected light and conform to the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways and/or other standards issued or endorsed by the highway director and the federal highway administrator.

(b) "Fire/Water Hydrant" shall mean all standpipe hydrants installed on public and private water delivery systems which are installed along public roads within the state, and which are of a size and style to allow adequate water supply to fill fire suppression vehicles of municipal and/or certified volunteer fire departments or furnish a supply of water to trucks at a fire scene.

Section 2. Blue reflective markers shall be used exclusively for the purpose of indicating the location of fire/water hydrants which are located on public roadways within the state, or on private property with the owner's permission. Markers which are installed so as to be adhered to paved road surfaces or which are placed anywhere within the highway right-of-way shall be placed in conformance with the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways and/or other standards issued or endorsed by the highway director and the federal highway administrator.

Section 3. Blue reflective markers may be installed by any municipality, county, fire district, fire or water authority, or any certified volunteer fire department within their primary coverage areas and shall be recognized by all fire departments and firefighters for the purpose stated.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:

Aldridge

Bachus

Bailey

REGULAR SESSION  
25th Day

937

Bedford	Covington	Harrison	Proctor
Boyington	Dixon	Little	Robertson
Cabaniss	Foshee	Menton	Smith (B)
Cooley	Goodwin	Parsons	Teague
Corbett			

—20

Nays: —0

And said Bill, S. B. 337, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19, Nays 0.

Yeas:

Senators:	Bedsole	Denton	Menton
Amari	Cabaniss	Foshee	Parsons
Bachus	Cooley	Goodwin	Robertson
Barron	Corbett	Harrison	Smith (J)
Bedford	Covington	Little	Teague

—19

Nays: —0

The Bill:

S. 348. To amend Section 12-21-8, Code of Alabama 1975, so as to provide further for the disposition of exhibits offered in evidence in criminal and civil cases; to provide that exhibits offered in evidence in civil cases may be withdrawn by the offering party after the expiration of the appeal period or after final disposition of the case; to provide that any civil exhibits not withdrawn may be disposed of by the clerk on or after the expiration of one year from the final disposition of the case; to provide that contraband, including controlled substances and firearms, offered in evidence in criminal cases shall be condemned or forfeited and disposed of in accordance with specific statutes relating to their forfeiture; to provide further, that any such controlled substances not forfeited, for whatever reason, shall be destroyed by the clerk with the approval of the presiding circuit judge immediately following the conclusion of the case; to provide that other contraband, including firearms, not so forfeited shall be destroyed in like manner as controlled substances, but only after the expiration of one year from the final disposition of the case, as such term is defined in this Act; to provide that destruction of contraband shall be witnessed as provided in this Act; to provide that other exhibits offered in evidence in criminal cases may be released to the owner by order of the court, but if not, may be destroyed or disposed of as approved by the district attorney and the trial judge; to further provide that any such exhibits still on hand with the clerk one year after final disposition, as defined herein, may be destroyed or disposed of in accordance with the presiding circuit judge's approval; to provide that receipts must be given for any exhibits not destroyed; and, to provide for notice to the offering party of his right to claim exhibits prior to their disposition as provided herein.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 348, to-wit:

## COMMITTEE SUBSTITUTE FOR S. B. 348

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 12-21-8, Code of Alabama 1975, so as to provide further for the disposition of exhibits offered in evidence in criminal and civil cases; to provide that exhibits offered in evidence in civil cases may be withdrawn by the offering party after final disposition of the case; to provide that any civil exhibits not withdrawn by the owner or offering party may be disposed of by the clerk with the court's approval on or after the expiration of one year from the final disposition of the case; to provide that any civil exhibits not withdrawn by the offering party or owner after three years from final disposition are deemed abandoned and may be disposed of in the clerk's own discretion; to provide that contraband, including controlled substances and firearms, offered in evidence in criminal cases shall be condemned or forfeited and disposed of in accordance with specific statutes relating to their forfeiture; to provide further, that any such controlled substances not forfeited, for whatever reason, shall be destroyed by the clerk with the approval of the presiding circuit judge following the conclusion of the case; to provide that other contraband, including firearms, not so forfeited shall be destroyed in like manner as controlled substances, but only after the expiration of one year from the final disposition of the case, as such term is defined in this Act; to provide that destruction of contraband shall be witnessed as provided in this Act; to provide that other exhibits offered in evidence in criminal cases which are not contraband may be released to the owner or otherwise disposed of as exhibits in civil cases, all as provided in this Act; to provide that receipts must be given for any exhibits not destroyed; and, to provide for notice to the offering party or the owner of his right to claim exhibits prior to their disposition as provided herein.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-21-8, Code of Alabama 1975, is hereby amended to read as follows:

~~"§12-21-8. - Destruction of exhibits offered and received in evidence.~~

~~The registers and clerks of the circuit courts of this state are authorized to and may destroy all exhibits offered and received in evidence in civil cases on or after the expiration of one year from the final disposition of such cases; provided, however, that such destruction shall not be accomplished until it has been approved by the presiding judge of the circuit; provided further, that prior to destruction of the exhibits, the clerk shall notify the party who offered the same into evidence that said exhibits may be obtained within 30 days from the clerk if the offering party so desires. The authority given by this section shall authorize the destruction of such items as certified copies of hospital records subpoenaed by the parties, depositions of parties and witnesses, subpoenas for witnesses, paper exhibits, bulky exhibit items or such other similar items of evidence; provided, however, that such itemization shall not be deemed to be all inclusive; provided, further, that after the expiration of the appeal period in such cases and before such destruction, any party at interest, or counsel for such party, may permanently remove and withdraw such exhibits offered by such party upon the execution of an appropriate receipt therefor, which receipt shall be signed and recorded on the consolidated trial docket sheet of such case."~~

"Section 12-21-8. The registers of the circuit courts and clerks of the circuit and district courts of this state are authorized to and may destroy or otherwise dispose of all exhibits offered and received in evidence in civil and criminal cases as provided herein:



(1) Civil Cases. (a) Release to parties - other disposition. Any offering party in a civil cause of action, counsel for such party or the rightful owner of any item introduced into evidence, when such person is different from the offering party and upon sufficient proof of ownership, may withdraw and remove such exhibits as were offered by him or which belong to him, as the case may be, upon the execution of an appropriate receipt therefor, at any time after final disposition of the case and before any other disposition or destruction of such exhibits as is provided herein. Said receipt shall be signed by the offering party, his counsel or the owner and filed by the clerk in the case file for that case.

Provided, that on or after the expiration of one year from the final disposition of any civil case, any exhibits offered in evidence and not withdrawn by the offering party or the owner thereof, after notice of such right as provided herein, may be destroyed or otherwise disposed of by the clerks and registers of the courts upon the approval of the presiding circuit judge and in keeping with the court's instructions. Provided, further, that on or after the expiration of three years from the final disposition of a civil case and following the notice as provided herein, any exhibits not withdrawn by the offering party or the owner thereof shall be deemed abandoned and may be destroyed or otherwise disposed of by the clerk or register in his or her own discretion without the court's approval and without further notice to the offering party or the owner. Any destruction or disposition authorized by this section, other than release to the owner or offering party, shall be duly noted on the appropriate case action summary or spread upon the minutes of the court.

(b) Notice. Prior to any disposition of exhibits, the offering party or the owner of such exhibits, if different from the offering party, shall be entitled to notice of his right to claim and withdraw such exhibits at any time within 30 days of receipt of said notice or at any time prior to their disposition or destruction. Provided, further, that when the owner of such exhibits is different from the offering party, notice to the offering party or his counsel shall be deemed sufficient notice to the owner unless the owner specifically makes his identity and whereabouts known to the court and requests service of the notice to himself. Notice as provided herein shall be in writing and may be served by the clerk or register by certified mail, as provided in the Alabama Rules of Civil Procedure at the time of final disposition of the case or at any time up until 30 days prior to such disposition or destruction. It is hereby specifically provided that notice by publication, as provided in the Alabama Rules of Civil Procedure, shall be sufficient for any exhibits in the custody of the clerks and registers on the effective date of this Act and for those which may hereafter come into their custody and, in either instance, for which the identity or last known address of the owner or offering party cannot be ascertained.

(2) Criminal Cases. (a) Contraband. Items which may be declared contraband, including controlled substances and firearms, should be disposed of in accordance with the specific statutes relating thereto, and nothing in this section shall be construed so as to prevent the appropriate items from being condemned, forfeited to the proper authorities, awarded to their owners, where proper, or otherwise disposed of in full accordance with those statutes. Provided, further that any items of contraband heretofore or hereinafter introduced into evidence which are not disposed of in accordance with the appropriate condemnation or forfeiture laws, for whatever reason, shall be disposed of in accordance with the remaining provisions of this subdivision. Controlled substances shall be destroyed by the clerk of the circuit court with the approval of the presiding circuit judge, and in accordance

with the court's instructions, at any time on or after the case has been dismissed, the defendant is found not guilty, or, in the event the defendant is convicted, at any time after the final appeal or at any time after the time for appeal has lapsed, whichever is last. The court's instructions in regard to such destruction shall be spread upon the minutes of the court. Firearms and other items of contraband shall be destroyed in like manner, but only on or after the expiration of one year from the final disposition of the case, as that term is further defined herein, unless the district attorney consents to a shorter term. Whenever contraband is destroyed under the provisions of this section, such destruction shall be witnessed by the sheriff and the clerk, or their duly appointed designees, and one other witness to be designated by the presiding circuit judge. A verified statement of such destruction shall be filed in the appropriate case file, otherwise retained on file in the office of the clerk, or spread upon the minutes of the court.

A criminal case shall be deemed finally disposed of, for the purposes of this section, under the following circumstances, but not specifically limited thereto: when the case is not proessed or otherwise dismissed; when the defendant is acquitted or otherwise found not guilty of the charge or charges; when the defendant, if convicted, serves any sentence imposed in that case to completion; or when, in the event a convicted defendant is released on probation or parole, the defendant successfully completes his probationary period or period of parole and faces no further possible incarceration in that case. When a convicted defendant is committed to the custody of the Department of Corrections or is under the supervision of the Board of Pardons and Parole it shall be the duty of the Department or the Board, respectively, to notify the clerk of the trial court of the final disposition of that case, as defined herein;

(b) Other exhibits in criminal cases. Other exhibits offered in evidence in criminal cases which are not contraband shall be governed by all of the provisions of subsection (1) of this section applicable to the release, disposition and destruction of exhibits in civil cases, except that the owners of such criminal exhibits may be entitled to possession of their property after any final appeal and prior to the final disposition of the case, as that term is defined in this subsection, upon the approval of the offering party, which shall specifically include the district attorney, and the judge who presided over the trial of the case. The presiding circuit judge's approval may be obtained in lieu of the trial judge's approval if the trial judge is not otherwise available;

(3) Costs. The costs of service of all notices provided for in this section are to be paid by the State of Alabama out of that fund in the state treasury known as, "Court Costs Not Otherwise Provided For."

Section 2. The provisions of this Act are severable. If any part of the Act is declared unconstitutional such declaration shall not affect the part which remains.

Section 3. The Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:  
Bachus

Bailey  
Bedford

Bedsole  
Cabaniss

Cooley  
Covington

**REGULAR SESSION  
25th Day**

941

Figures	Harrison	Menton	Robertson	
Foshee	Keener	Parsons	Smith (J)	
Goodwin	Little	Proctor		—18

Nays: —0

And said Bill, S. B. 348, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Parsons	
Bachus	Cooley	Harrison	Proctor	
Bailey	Covington	Keener	Robertson	
Bedford	deGraffenried	Little	Smith (J)	
Bedsole	Foshee	Menton		—18

Nays: —0

The Bill:

S. 199. Relating to the regulation, registration and licensing of certain persons engaged in the business of buying gold or silver or gold or silver objects; providing for exemptions; and providing penalties for the violations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Menton	
Bachus	Cooley	Goodwin	Parsons	
Bedford	Corbett	Harrison	Robertson	
Bedsole	Covington	Keener	Teague	
Boyington	Dixon	Little		—18

Nays: —0

The Bill:

H. 246. To provide that a Restitution Order in a criminal case be a Final Judgment and have all of the force and effect of a Final Judgment in a civil action under the laws of the State of Alabama; to provide that the victim of a crime to whose benefit restitution is ordered, or anyone acting on behalf of said victim, shall have all of the rights and remedies granted a plaintiff in a civil action under the laws of this state together with any other right or remedy pertaining to restitution orders in criminal codes.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, H. B. 246, to-wit:

**COMMITTEE AMENDMENT TO H. B. 246**

Amend House Bill 246, Page 2, Section 3, Line 9, after the word "are" by striking the word not.

Which was adopted.

Yeas 18, Nays 0.

Yeas:

Senators:	Cooley	Foshee	Proctor	
Bedford	Corbett	Goodwin	Robertson	
Bedsole	Covington	Keener	Smith (B)	
Boyington	deGraffenried	Little	Smith (J)	
Cabaniss	Dixon	Menton		—18

Nays:

—0

And said Bill, H. B. 246, as thus amended, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Proctor	
Bachus	Corbett	Hilliard	Robertson	
Bedford	deGraffenried	Keener	Smith (B)	
Boyington	Dixon	Little	Smith (J)	
Cabaniss	Foshee	Menton		—18

Nays:

—0

**FURTHER CONSIDERATION OF S. B. 443**

The Senate proceeded to further consideration of the Bill, S. B. 443.

Senator Foshee moved that further consideration of the Bill, S. B. 443, be postponed subject to the call of the Chair.

Senator Bedford offered a substitute motion that further consideration of the Bill, S. B. 443, be postponed until the Twenty-Sixth Legislative Day.

On motion of Senator Foshee, the motion to postpone until the Twenty-Sixth Legislative Day was laid on the table.

The question then recurred on the motion of Senator Foshee that further consideration of the Bill, S. B. 443, be postponed subject to the call of the Chair, which motion was adopted.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 289. To provide for and regulate through licensure the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

was taken up.

Senator Foshee offered the following substitute for the Bill, S. B. 289, to-wit:

**SUBSTITUTE FOR S. B. 289**

**A BILL  
TO BE ENTITLED  
AN ACT**

To provide for and regulate through licensure and registration the busi-

ness of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

Be It Enacted by the Legislature:

Section 1. For the purposes of this act the following terms shall have the meanings respectively ascribed to them by this section:

(1) **ACCOMMODATIONS.** Any hotel or motel room, condominium, or cooperative unit, cabin, lodge, apartment or any other private or commercial structure designed for occupancy by one or more individuals or any recreational vehicle campsite or campground.

(2) **BUSINESS ENTITY.** Any individual, corporation, firm, association, joint venture, partnership, trust, estate, business trust, syndicate, fiduciary, and any other group or combination which engages in acts or practices in any trade or commerce.

(3) **CONTRACT.** Any contract, promissory note, credit agreement, negotiable instrument, lease, use agreement, license, security or other muniment conferring on the purchaser the rights, benefits and obligations of a vacation time sharing plan.

(4) **COMMISSION.** The Alabama Real Estate Commission.

(5) **COMMISSIONER.** A member of the Alabama Real Estate Commission.

(6) **FACILITIES.** Any structure, service or property whether improved or unimproved made available to the purchaser for recreational, social, family or personal use.

(7) **SELLER.** Any owner of a vacation time sharing plan or any business entity, including but not limited to an agent, dealer, distributor, franchiser, subsidiary, assignee, reseller, broker or any other representative thereof who, for a fee, commission or other valuable consideration, negotiates or attempts to negotiate the listing, sale, auction, purchase, exchange or lease of any real estate or the improvements thereon or collects rents or attempts to collect rents, or who advertises or holds himself out as engaged in any of the foregoing activities. Provided however, that the provisions of this act shall not be applicable to:

a. The resale of a single vacation time sharing unit by the owner of such unit, when the seller owns no more than one such unit.

b. Agencies and instrumentalities of the state or federal government nor to employees of any lender or public officials making appraisals for federal, state or local units of government, nor to anyone making appraisals through such employees for lending or governmental purposes.

And provided further that the sales licensure provisions of this act shall not be applicable to the sale of real estate by anyone who owns a fee simple interest of a least ten percent therein, or to the attorney at law of such owner acting within the scope of his duties as an attorney at law. Ownership of stock in a corporation is not ownership of an interest in real estate owned by the corporation and does not exempt such stockholder from any provision of this act unless the stockholder owns or controls at least ten percent

of the stock of the corporation. This provision exempts owners from only the sales license requirements of this act. All other requirements of sellers under this act shall apply to owners of vacation time sharing plans.

(8) **VACATION TIME SHARING OWNERSHIP PLAN.** Any arrangement, plan, or similar device, whether by tenancy in common, sale, deed or by other means, which is subject to supplemental agreement or contract for use of the time sharing unit, whereby the purchaser receives an undivided fee simple ownership interest in and the right to use accommodations or facilities, or both, for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one year.

(9) **VACATION TIME SHARING LEASE PLAN.** Any arrangement, plan, or similar device, whether by membership agreement, lease, rental agreement, license, use agreement, security or other means, whereby the purchaser receives a right to use accommodations or facilities, or both, but does not receive an undivided fee simple interest in the property, for specific period of time during any given year, but not necessarily for consecutive years, and which extends for a period of more than one year.

Such lease plans shall not include an arrangement or agreement whereby a purchaser in exchange for an advance fee and yearly dues is entitled to select from a designated list of facilities located in more than one state accommodations, of companies which operate in at least nine states in the United States through franchises or ownership, for a specified time period and at reduced rates and under which no interest in real property is transferred.

(10) **VACATION TIME SHARING PLAN.** Either a vacation time sharing ownership plan or a vacation time sharing lease plan as defined herein.

(11) **TIME SHARING UNIT.** The actual accommodations and related facilities which are the subject of the vacation time sharing ownership plan or lease plan.

(12) **SUBSTANTIALLY COMPLETE.** All structural components and mechanical systems of all buildings containing or comprising any time sharing unit, facilities, or accommodations are finished in accordance with the plans or specifications of the project as evidenced by a recorded certificate of completion executed by an independent registered surveyor, architect or engineer.

(13) **UNIT WEEK.** A number of consecutive days, normally seven consecutive days in duration, which may reasonably be assigned to purchasers of vacation time sharing plans by the seller.

(14) **RECEIVABLE.** Any note, contract, promise or any other agreement to pay a fixed or determinable amount of money which, for the purposes of this act, shall not be in arrears for more than ninety days.

(15) **FACE VALUE.** The principal amount of money represented by any receivable as defined in item (14), together with the amount of all interest collected thereon.

(16) **ESCROW AGENT.** A bank or trust company doing business in this state or a bonded trust agent bonded in at least the amount of the trust; provided, however, that nothing contained in this act shall operate to prevent investment of funds escrowed pursuant to this act by the bank, trust company or bonded agent and to pay all interest and dividends to the

seller of vacation time sharing plans.

(17) **ESCROW ACCOUNT.** Any funds held or maintained by an escrow agent.

(18) **VACATION TIME SHARING SALES LICENSE.** A license issued by the Commission authorizing individuals to act as sellers of vacation time sharing plans.

(19) **LICENSEE.** A person having a Vacation Time Sharing sales license.

(20) **EXCHANGE COMPANY.** Any person owning and/or operating an Exchange Program.

(21) **EXCHANGE PROGRAM.** Any arrangement allowing owners to exchange occupancy rights with persons owning other timeshares; provided, however, that an exchange program shall not exist if all of the occupancy rights which may be exchanged are in the same timeshare property.

(22) **MANAGING AGENT.** Any person engaged by the association to manage the timeshare plan and the timeshare property.

(23) **VACATION TIME SHARING OWNERSHIP PLANS.** Such term shall mean and include:

a. Time sharing ownership plans whereby purchasers are deeded an undivided interest in the facilities with a right to use designated accommodations for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one year; and

b. Interval ownership plans, whereby purchasers are deeded title to designated time sharing units, accommodations or facilities for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one year, with remainder after such period to interval plan owners as tenants in common.

(24) **QUALIFYING BROKER.** A person who is licensed by the Commission as a real estate broker as well as a seller of vacation time sharing plans and who serves in a supervisory capacity to all other licensees acting as sales agents for the vacation time sharing plan which the qualifying broker represents.

**Section 2.** It shall be a violation of this act for any seller of vacation time sharing plans to:

(1) Sell, lease, encumber or convey in any manner or to solicit or advertise such transactions unless the seller has been duly licensed under the provisions of Section 17 hereunder and unless the vacation time sharing plan and the units thereby affected have first been registered with the Commission. Provided, however, that the registration requirements of this act shall not apply to nor restrict the listing and resale of any vacation time sharing plan when:

a. The vacation time sharing plan to be resold is within an existing time sharing facility currently registered with the Commission pursuant to the requirements of this act;

b. The vacation time sharing plan to be resold is subject to the identical rules, regulations, conditions or limitations on the use of the accommodations or facilities which affect all other vacation time sharing plans within that time sharing facility.

(2) Fail to provide, at the time of registration, to the Commission the following materials, or fail to provide any amendments or changes therein made while sales continue:

a. A copy of the contract by which the rights and obligations of the parties are established.

b. Copies of promotional brochures, pamphlets, advertisements or other material disseminated to the public in connection with the sale of the vacation time sharing plan and verbatim scripts of all radio and television advertising in connection therewith.

c. A statement of the type and business entity through which the business of selling vacation time sharing plans is carried out, including a list of the names and addresses of all directors, principal officers, dealers, distributors and sales personnel soliciting in or from the State of Alabama, and the name and address of the business agent for service of process within the State.

d. Copies of all rules, regulations, conditions or limitations on use of the accommodations or facilities available pursuant to the vacation time sharing plan.

e. A statement as to the existence of all liens on the accommodation or facilities which could affect the rights of the purchaser or his assignee, together with the location, date and filing book and page number where such liens are recorded.

f. A synopsis of any sales presentation made by the seller to the purchaser over the telephone or other electronic device.

g. A projected budget of all recurring expenses which may become the responsibility of all time sharing purchasers.

h. Evidence that the time sharing plan owner or his agent shall furnish a surety bond payable to the State of Alabama in the amount of \$100,000, or \$5,000.00 per time sharing unit, whichever is greater, with a surety company authorized to do business in Alabama, which bond shall provide that the obligor therein will pay to the extent of \$100,000.00 any judgment or judgments which may be recovered against the vacation time sharing plan owner or seller for any actual loss or damage arising against such vacation time sharing plan owner or seller from the activities of the time sharing plan owner or seller, or their agents or representatives, conducted under this act. Such bond must remain in effect for as long as the time sharing plan shall be registered. In the event such bond is revoked by the surety company, the time sharing owner shall have 10 days in which to obtain a new bond and file such with the Commission. The lack of a bond shall be grounds for the suspension of the registration of the time sharing plan.

Upon receipt of all items required by this Section, the commission shall determine the sufficiency thereof and upon satisfactory compliance with this act, shall issue its order approving their use. The vacation time sharing plan shall then be deemed registered. Promotional or advertising material developed after the initial registration of a time sharing plan may be used without prior approval of the Commission provided that such material is in compliance with this act and further provided that it is submitted to the Commission within ten days after its initial public use.

(3) Fail to include in all advertising of any vacation time sharing plan a statement which clearly states that the seller is offering a time sharing interest.



(4) Fail to include in all advertising of any vacation time sharing plan which offers a time sharing interest of less than fee simple a statement which clearly states that the interest being offered is less than a fee simple ownership interest.

Section 3. It shall be a violation of this act for any owner or business entity offering vacation time sharing plans for sale to the public to fail to keep among its business records the following:

(1) A copy of each item required to be submitted to the commission under Section 2 of this act.

(2) A copy of the contract from each sale of the vacation time sharing plan, which contract shall be retained for a period of at least three years after parties to the vacation time sharing plan have completely performed all of their obligations thereunder.

(3) A list of all employees directly involved in the development, sale, or advertising of the vacation time sharing plan or plans, including their last known mailing addresses, which list shall include all current employees and all previous employees whose employment has been terminated within the preceding thirty-six months.

Section 4. It shall be a violation of this act for the seller of a vacation time sharing plan to fail to utilize and furnish the buyer with a fully completed copy of a contract pertaining to such sale at the time of its execution which shall include:

(1) The actual date the contract is signed by all parties.

(2) The name and address of the seller.

(3) In immediate proximity to the space reserved in the contract for the signature of the buyer and in no smaller type than contained in the body of the contract:

a. In the case of a vacation time sharing lease plan, the following statement:

"You may cancel this contract without penalty or obligation within seven days, not including Sunday if that is the seventh day, from the above date. You may also cancel this contract at any time in case the accommodations of facilities are no longer available as provided in the contract. If you decide to cancel, you must notify the seller in writing of your intent to cancel by sending notice to (name of seller) by certified mail, return receipt request at (seller's address)."

b. In the case of a vacation time sharing ownership plan, the following statement:

"You may cancel this contract without penalty or obligation within seven days, not including Sunday if that is the seventh day, from the above date, by notifying the seller in writing of your intent to cancel, sending his notice thereof by certified mail, return receipt requested."

c. It shall be a violation of this act for the seller of a vacation time sharing ownership plan to fail to furnish the buyer with an inventory of all furniture, fixtures and appliances which will be located in the accommodation during the time period purchased under a vacation time sharing ownership plan or at closing.

Section 5. It shall be a violation of this act for the seller of vacation

time sharing plans, or his assignees, to fail or refuse to honor a buyer's request to cancel a contract as provided by Section 4 of this act if such request is made; provided however, nothing contained in this section shall operate to deny the seller the option to repair, replace or reconstruct within a reasonable time the accommodations or facilities if destroyed or damaged; provided that such repair, replacement or reconstruction shall bring such accommodations or facilities back to a state reasonably the same as before the damage or destruction.

Section 6. It shall be a violation of this act for a seller of vacation time sharing plans to:

(1) Fail to refund any and all payments made by the buyer under the contract and return any negotiable instrument, other than checks, executed by the buyer in connection with the contract or services within twenty days after receipt of notice of cancellation made pursuant to Section 4 of this act, if the buyer has not received any benefits pursuant to the contract.

(2) If the buyer has received any benefits pursuant to the contract, fail to refund within thirty days after receipt of notification of cancellation made pursuant to Section 4 or Section 5 of this act any and all payments made by the buyer to the seller which exceed a pro rata portion of the total price, taking into consideration the cost of use of the time share facilities at an average rental rate per unit for all time share units, representing the proportion of any contract benefits actually received by the buyer during the time preceding cancellation.

(3) Fail to place in an escrow account one hundred percent of the funds received from the purchasers of such plans, where the seller of the time sharing plan transfers an interest herein to the purchaser, which escrow account shall provide that:

a. Its purpose is to protect the buyer's right to refund during the seven day right to cancellation period provided in Section 4 or Section 5 of this act, and

b. Funds may be withdrawn by the seller upon transfer to the buyer after expiration of the respective cancellation period provided in such Sections 4 or 5.

Section 7. It shall be a violation of this act for any seller of vacation time sharing plans, or his assignees, to misrepresent in any manner the buyer's right to cancel provided by this act.

Section 8. (a) It shall be a violation of this act for any seller of vacation time sharing plans to sell, lease, assign or otherwise transfer the seller's interest in the vacation time sharing plan or the accommodations or facilities to a third party when such a sale, lease, assignment or other transfer substantially affects the rights of other owners of the time share units, unless:

(1) The third party agrees in writing to fully honor the rights of purchasers of the vacation time sharing plan to occupy and use the accommodations or facilities, and

(2) The third party agrees in writing to fully honor rights of purchasers of the vacation time sharing plan to cancel their contracts and receive an appropriate refund as provided in this act, and

(3) The third party agrees in writing to comply with the provisions of this act for as long as the third party continues to sell the vacation time

sharing plan, or for as long as purchasers of the vacation time sharing plan are entitled to occupy the accommodations or use the facilities, whichever is longer in time, and

(4) Written notice is given to each purchaser of a vacation time sharing plan affected thereby, and notice shall be sent by certified mail within thirty days of the sale, lease, assignment or other transfer.

(b) The provisions of this section shall not be construed to apply to the sale of a single unit or to prevent the seller's right to sell, discount, or hypothecate for value receivables in favor of any bank, mortgage company, or other lending institution and such transactions shall be exempt from the requirements of the Section.

Section 9. (a) It shall be a violation of this act for a seller of vacation time sharing lease plans to fail to:

(1) Place in escrow fifty percent of the cash or receivables received from the purchasers of such plans less applicable local, state and federal taxes, provided, that in the event receivables are placed in escrow such receivables shall be set at face value and shall equal one hundred ten percent of the fifty percent required in this subdivision.

a. The purpose of such escrow account is to protect the purchaser's right to a refund if at any time the accommodations and facilities are no longer available as provided in the contract; "Provided however, nothing contained in this section shall operate to deny the seller the option to repair, replace or reconstruct, within a reasonable time, the accommodations or facilities, if destroyed or damaged."

b. The purchaser shall be entitled to a refund from the escrow account upon the conditions described above in an amount which represents the buyer's pro rata share of the monies therein.

c. Funds may be withdrawn by seller from the escrow account in the ratio of the amount of time available for use by the purchaser of the vacation time sharing lease plan in relation to the total time available in the plan.

d. The escrow agent shall release or dispense funds from the escrow account to the seller of a vacation time sharing lease plan only upon receipt of a sworn statement from the seller that the accommodations and facilities have been available for use by the purchaser according to the term of the purchaser's contract.

e. When all outstanding liens, debts or encumbrances on the time sharing accommodations and facilities have been fully discharged the escrow account may be discontinued.

(2) In lieu of the escrow account provided in subdivision (1), a seller of vacation time sharing lease plans may:

a. Assign to an escrow agent receivables, the income from which shall be adequate to pay all liens or encumbrances secured by the time sharing facilities or accommodations.

1. Should net income from such escrowed receivables be insufficient to pay all liens or encumbrances as aforesaid, the escrow agent shall so notify the seller in writing, and the seller shall within 15 days after notice pay unto the escrow agent the amount of such deficit.

2. When all liens and encumbrances on the time sharing facilities have

been fully discharged, the escrow account may be discontinued.

b. Sell, hypothecate or discount receivables, the proceeds from which shall be deposited with an escrow agent and administered in the manner prescribed by paragraph (2) a of subsection (a) of this section.

When any portion of the time sharing accommodations and facilities have been fully released from all liens or encumbrances, the escrow requirements of this subdivision may be proportionately decreased.

(3) Provide the purchaser with liability and casualty insurance at the seller's expense for the accommodations and facilities to be used by the vacation time sharing lease plan purchaser in an amount equal to the replacement cost of such accommodations and facilities, or the maximum amount of insurance available on the accommodations and facilities, according to generally accepted underwriting principals for similar properties in the same area, and to deposit with an escrow agent, annually, sufficient funds for the payment of all insurance premiums, taxes, and assessments levied against the accommodations and facilities; or, in the alternative, provide for the assessment against the purchaser by an association or duly appointed agent for the owners of such escrow funds for all costs including insurance premiums, taxes, assessments, maintenance repairs and management fees.

(4) Provide the purchaser with an instrument, in recordable form, which provides notice to all subsequent creditors of the seller of the existence of the vacation time sharing plan rights of the purchaser. Such instrument shall be provided to the purchaser by the seller at the time of signing of the contract. When recorded, such instrument shall serve to protect the purchaser's interest in the seller's accommodations from any claims by subsequent creditors of the seller.

(5) Provide a document which explains the content, purpose and protection afforded to the purchaser by the documents described in subdivision (4) along with the procedure necessary to follow in order to secure to the purchaser the rights and protections which such documents provide.

(b) It shall be a violation of this act for a seller of vacation time sharing ownership plans to fail to:

(1) Deposit with an escrow agent no less than fifty percent of the cash or receivables received from the purchasers of such plans, less applicable local, state and federal taxes; provided, that in the event receivables are placed in escrow, such receivables shall be set at face value and shall equal one hundred ten percent of the fifty percent required in this item.

a. The purpose of the escrow account required hereunder is to protect the purchaser's ownership interest in the accommodations or facilities and to provide funds from which periodic payments can be made to retire any outstanding indebtedness on the time sharing facilities or accommodations.

b. The escrow agent shall release or dispense to the seller of the vacation time sharing ownership plan funds from the escrow account, at least quarterly but not more frequently than monthly, in an amount which shall not exceed one hundred percent of the sum of all accrued indebtedness secured by the time sharing accommodations or facilities.

c. Prior to the release or dispensing of such escrow funds, the seller shall furnish the escrow agent with a sworn statement which reveals by category the total amount of all liens or indebtedness secured by the time sharing accommodations or facilities, the amount of indebtedness anticipated during the next succeeding reporting period and the amount of any deficit

or surplus accruing from the preceding reporting period.

d. When all outstanding liens or encumbrances secured by the time sharing facilities or accommodations have been fully discharged, the escrow account may be discontinued.

(2) In lieu of the escrow account provided in subdivision (1) of this subsection (b), a seller of vacation time sharing ownership plans may alternatively:

a. Assign to an escrow agent receivables, the income from which shall be adequate to pay all liens or encumbrances secured by the time sharing facilities and accommodations.

1. Should net income from such escrowed receivables be insufficient to pay all recurring debts as aforesaid, the escrow agent shall so notify the seller in writing and the seller shall within fifteen days after notice pay into the escrow account the amount of such deficit.

2. When all liens and encumbrances on the time sharing facilities have been fully discharged, the escrow account may be discontinued.

b. Sell, hypothecate or discount receivables, the proceeds from which shall be deposited with an escrow agent and administered in the manner prescribed by paragraph (2) a of this subsection (b).

c. When any portion of the time sharing accommodations and facilities have been fully released from all debts, liens or encumbrances, the escrow requirements of this subdivision may be proportionately decreased.

3. Provide the purchaser with liability and casualty insurance at the seller's expense for the accommodations and facilities to be used by the vacation time sharing lease plan purchaser in an amount equal to the replacement cost of such accommodations and facilities, or the maximum amount of insurance available on the accommodations and facilities, according to generally accepted underwriting principals for similar properties in the same area, and to deposit with an escrow agent, annually, sufficient funds for the payment of all insurance premiums, taxes and assessments levied against the accommodations and facilities. In the alternative, provide for the assessment against the purchaser by an association or duly appointed agent for the owners of such escrow funds for all costs including insurance premiums, taxes, assessments, maintenance, repairs and management fees.

Section 10. It shall be a violation of this act for any seller of vacation time sharing plans to fail to fully disclose in the contract in boldface type of a size no smaller than any other type used in the body of the contract to purchaser:

(1) The total financial obligation of the purchaser, which shall include the initial purchase price and any additional charges to which the purchaser may be subject.

(2) Any individual or business entity which has or may have the right to alter, amend or add to charges to which the purchaser may be subject and the terms and conditions under which such charges may be imposed.

(3) The nature and duration of each agreement between the business offering, the vacation time sharing plans for sale and the individual or business entity managing the accommodation or other facilities.

(4) In immediate proximity to the space reserved in the contract for the signature of the buyer and in boldface type of the same size as required by

subdivision (3) of Section 4 of this act a statement as follows:

"No purchaser should rely upon representations other than those included in the contract."

However, inclusion of this statement shall not impair the purchaser's right to bring any legal action based upon any cause of action arising from oral statements.

(5) The date of availability of each amenity of the offered accommodations and facilities when they are not completed at the time of sale of such plan.

(6) The specific term of the contract.

Section 11. It shall be a violation of this act for any seller of vacation time sharing plans to:

(1) Use any promotional device, including but not limited to sweepstakes, lodging certificates, gift awards, premiums, or discounts, without fully disclosing that such promotional devices are being used for the purpose of soliciting the sale of vacation time sharing plans and without fully disclosing the retail value of each such device and the approximate odds of winning each award or prize offered.

(2) Use any promotional device as set forth above to obtain the names and addresses of prospective purchasers without fully and prominently disclosing that names and addresses so acquired will be used for the purpose of soliciting the sale of the vacation time sharing plans.

(3) Misrepresent the amount of time or period of time the accommodations and facilities will be available to any purchaser.

(4) Misrepresent or deceptively represent the location of the offered accommodations and facilities.

(5) Misrepresent the size, nature, extent, qualities or characteristics of the offered accommodations and facilities.

(6) Misrepresent the nature or extent of any services incident to the accommodations and facilities.

(7) Make any misleading or deceptive representations with respect to the contents of the contract or the buyer's rights, privileges or benefits thereunder.

(8) Fail to honor and comply with all provisions of the contract with the purchaser.

(9) Misrepresent the conditions under which a customer may exchange his rights to an accommodation in one location for rights to an accommodation in another location.

(10) Include in any contract any provision purporting to waive any right or benefit provided for purchasers under this act, or to seek or solicit such a waiver during the effective period of these rules.

(11) Do any other act which constitutes fraud, misrepresentation or failure to make a disclosure of a material fact.

(12) Perform any sale for which a vacation time sharing license is required unless the seller is either exempted from the license requirement, a duly authorized and licensed qualifying broker, or a duly licensed seller acting under the sponsorship and supervision of a qualifying broker.

Section 12. The Commission may upon its own motion, or upon the verified complaint in writing of any person, hold a hearing regarding an alleged violation by any person or business entity of this act. Any person found guilty of having violated this act shall be subject to the refusal of a license, if not licensed; or, if licensed, to the suspension or revocation of such license and/or a monetary penalty of not less than \$25.00 nor more than \$500.00.

Such hearing shall be held in a manner prescribed by the Alabama Administrative Procedure Act, the Alabama Real Estate License Law, and the Rules and Regulations of the Alabama Real Estate Commission. The reinstatement of a license suspended or revoked as a result of a violation of this act may be made conditional upon the fulfillment of such reasonable conditions as are imposed by the Commission.

The penalties and procedures outlined in this section shall not be construed to supersede or conflict with penalties and procedures outlined in other sections of this act.

For the purposes of this act, a willful violation occurs when the person committing the violation knew or should have known that his conduct was in violation of this act.

Provided, that a deficiency in an escrow required by this act, which results solely from the cancellation or worthlessness of receivables previously placed in escrow, shall not be considered a violation of this act. In the event of an escrow deficiency, a lender who has advanced funds to a project shall have no liability to contribute funds to the escrow to cure the deficiency, and the lender's lien on the property shall not be affected by the deficiency.

Section 13. The Alabama Real Estate Commission shall be responsible for the enforcement and implementation of this act, and the Attorney General of the State of Alabama, upon request by the Commission, shall assist the Commission in the enforcement of this act and the prosecution of violations hereunder. The Commission shall promulgate rules for the implementation of this act and such rules shall be consonant with the Alabama Administrative Procedure Act. The provisions of this act shall not be construed to limit in any manner the right of a purchaser or lessee or other party to bring a private action to enforce the provisions of this act.

Section 14. If a seller files with the Commission any vacation time sharing plan or any amendment thereto which describes or concerns time sharing units, accommodations or facilities not substantially completed, the seller, upon request of the Commission, shall file with the Commission the following:

- (1) A verified statement showing all costs involved in completing the property.
- (2) A verified statement of the time of completion of construction of the property.
- (3) Satisfactory evidence of sufficient funds to cover all costs to complete the property.
- (4) A copy of the executed construction contract and any other contracts for the completion of the property.
- (5) A one hundred percent payment performance bond from a surety company authorized to do business in Alabama, covering the entire cost of

construction of the property.

(6) If purchasers' funds are to be used for the construction of the property, an executed copy of the escrow agreement with an escrow company or financial institution authorized to do business within the State, which provides that:

a. Disbursements of purchasers' funds may be made from time to time to pay for construction of the property; architectural, engineering, finance, and legal fees; and other costs for the completion of the property in proportion to the value of the work completed by the contractor as certified by a registered surveyor, architect, or engineer on bills submitted and approved by the lender or construction funds or the escrow agent.

b. Disbursements of the balance of purchasers' funds remaining after completion of the property may be made only after either the escrow agent or lender receives satisfactory evidence that the period for filing mechanics' and materialmen's liens has expired, or the right to claim those liens has been waived or other adequate provision has been made for satisfaction of any claimed mechanics' or materialmen's lien; and

c. Any other restrictions relative to the retention and disbursement of purchasers' funds required under the rules of the Commission have been met; and

d. Any other materials or information required under the rules of the Commission have been provided.

(7) The Commission shall not register or issue any order approving any vacation time sharing plan unless the Commission determines, on the basis of materials submitted by the developer, that the time sharing units, accommodations, or facilities or any additions thereto will be completed.

Section 15. (a) For the registration of all vacation time sharing plans and the accommodations and facilities affected thereby which are located within the State, there shall be paid to the Commission the initial sum of five hundred dollars, together with an annual renewal fee of two hundred dollars.

(b) For the registration of all vacation time sharing plans and the accommodations and facilities affected thereby which are located outside the State, there shall be paid to the Commission the initial sum of five hundred dollars, together with an annual renewal fee of two hundred dollars. All books, files, accounts and other documents pertaining to the advertisement and sale of vacation time sharing plans located outside the State shall be subject to examination by the Commission and the business entity whose documentation is being examined shall pay a fee of five hundred dollars plus the actual expenses, including the cost of transportation, of the examiner representing the Commission while he is absent from his office for purposes of conducting the examination.

(c) The Commission shall retain such fees and other funds which may come into its possession to defray expenses in the administration and enforcement of this act.

(d) If the Commission determines that the registration or operation of any vacation time sharing plan violates the provisions of this act in such manner as indicates bad faith or dishonesty, the Commission, after notice and hearing, may assess all reasonable cost of investigation and prosecution of such violations.



Section 16. The proceeds from the sale or resale of any vacation time sharing lease plan shall be exempt from the transient occupancy tax imposed by Section 40-26-1 of the Code of Alabama 1975.

Section 17. (a) Any person desiring to act as a seller of vacation time sharing plans shall file with the Commission a written application upon such form as the Commission shall designate and shall pass to the satisfaction of the Commission the examination hereinafter prescribed.

(b) Prerequisites for taking the vacation time sharing sales examination are as follows:

(1) Evidence satisfactory to the Commission that the applicant bears a good reputation for honesty and truthfulness.

(2) The applicant must not have been convicted of any criminal offense involving moral turpitude or of any felony.

(3) The applicant must be a permanent resident of Alabama and at least nineteen years of age.

(4) The applicant must be a citizen of the United States or shall possess a certification of lawful permanent residence issued by the immigration and naturalization bureau of the United States government.

(c) The Commission shall prepare and conduct an examination on the fundamentals of this act and related topics and shall schedule such examination at least quarterly. No applicant shall be entitled to examination unless all prerequisites enumerated above have been met as determined by the Commission. The minimum passing grade shall be seventy percent.

(d) Every applicant shall pay the sum of seventy-five dollars for each examination taken. Every applicant shall also pay a license fee of fifty dollars upon successful completion of the examination. The Commission shall be entitled to retain all fees collected to defray its expenses. No fees collected hereunder shall be in lieu of any business license fees or taxes imposed by any city, county or municipal authority. The Commission shall be entitled to contract with any outside source to prepare and conduct vacation time sharing sales examination in its behalf and to pay for the reasonable cost thereof from the examination fees collected.

(e) Vacation time sharing sales licenses shall be renewed annually on or before September thirtieth. Upon submission of a renewal request in such form as the Commission shall prescribe and payment of a fifty dollar renewal fee. Failure to timely renew shall result in cancellation of the license.

(f) Any vacation time sharing sales licensee shall be either a qualifying broker for a vacation time sharing plan or shall be licensed under such a qualifying broker, and the qualifying broker must be in a supervisory capacity to each time sharing sales licensee licensed under him.

(g) The qualifying broker for a vacation time sharing plan must meet all the general requirements for a time sharing sales license and must have a current, active real estate broker's license issued under the Alabama Real Estate License Law as well as a time sharing sales license.

(h) The qualifying broker for a vacation time sharing plan shall sign a statement accepting the responsibility for the actions of any licensee licensed under him and for the sales actions of the vacation time sharing plan for whom he is the qualifying broker. Each qualifying broker shall have the duty and responsibility of insuring that every seller licensed under him, as well as the vacation time sharing plan for which he is the qualifying broker,

comply with the provisions of this chapter, and the broker shall be responsible to any injured party for actual damages caused to such party by any violation of this chapter by any vacation time sharing plan or seller for whom he is acting as qualifying broker.

(i) There shall be a license transfer fee of \$50.00 for any of the following: a change of qualifying broker; a change of name or address of the vacation time sharing plan; a change of name of a licensee; a change of employment by a licensee; or the activation of an inactive license.

(j) In each case where a vacation time sharing plan shall have more than one site, it must be demonstrated that the qualifying broker for the plan will be able to provide supervision over all other licensees. In the event that adequate supervision cannot be provided by a single qualifying broker, then there shall be such additional qualifying broker(s) assigned as to provide such supervision. Such additional qualifying brokers will each be designated as a broker for a particular site or sites and shall sign statements accepting responsibility for the actions of all licensees assigned to the respective site or sites, as well as responsibility for the acts or omissions of the vacation time sharing plan with respect to the site for which he is the qualifying broker.

(k) No applicant to be a seller of vacation time sharing plans shall be issued a license by the Commission unless the applicant is either designated as a qualifying broker by a representative of a vacation time sharing plan authorized to make such a designation, or sponsored by a qualifying broker who has signed a written statement accepting sponsorship of the applicant.

(l) No vacation times sharing licensee shall perform any of the acts authorized by such license until the license certificate is in his actual possession, if the licensee is a qualifying broker, or in the possession of his sponsoring broker, if the licensee is not a qualifying broker.

(m) A licensee may place his license on inactive status with the Commission for a period of up to twenty-four consecutive months and may renew his license while it is on inactive status. It shall be the duty of the licensee to inform the Commission of any change in his mailing address. No license which is on inactive status will be reactivated without the Commission receiving evidence that the licensee's surety bond is in effect.

Section 18. (a) Every vacation time sharing plan for sale or offered for sale in this State shall be registered with the Alabama Real Estate Commission as follows:

(1) Upon receipt of an application for registration in the required form, the Commission shall forthwith initiate an examination to determine that:

(a) The seller may convey or cause to be conveyed the vacation time sharing plan offered for sale if the purchaser complies with the terms of the offer.

(b) The advertising material and general promotional plan are not false or misleading as determined by the Commission.

(c) The requirements of this act and the rules of the Commission have been fulfilled.

(d) The seller has not, or, if a corporation, its officers, directors, and principals have not been convicted of any crime involving land dispositions, any crime of moral turpitude, any securities law violation, fraudulent business activity, or any aspect of the vacation time sharing business in this

State, the United States, or any other state of foreign country within the ten years immediately preceding the date of application, and has not been subject to any injunction or administrative order within the preceding ten years restraining a false or misleading promotional plan involving any of the activities above.

(2) Upon receipt of the application for registration in required form, the Commission shall issue a notice of filing to the applicant. If within thirty days from the date of the notice of filing, the Commission affirmatively determines upon inquiry and examination that the requirements of this act have been met, the Commission shall enter an order registering the vacation time sharing plan or rejecting the registration. If no order of rejection is entered within thirty days from the date of notice of filing, the vacation time sharing plan shall be deemed registered unless the applicant has consented in writing to a delay. No reasonable request for an extension of time by the Commission shall be withheld; provided that if the Commission determines upon inquiry and examination that any of the requirements of this act have not been met, the Commission shall notify the applicant that the application for registration must be corrected in the particulars specified within fifteen days. If the requirements are not met within the time allowed, the Commission shall enter an order rejecting the registration which shall include the findings of fact upon which the order is based. The order rejecting the registration shall not become effective for twenty days during which time the applicant may petition for reconsideration and shall be entitled to a hearing.

Section 19. (a) If it appears that a person, firm, corporation, or any business entity has engaged, or, is about to engage in an act or practice constituting a violation of a provision of this act or rule or order thereunder, the Commission, through the Attorney General, may institute legal actions in accordance with Alabama law to enjoin the acts and practices and to enforce compliance with this act or any rule or order hereunder. The Commission shall contact, whenever practicable, any person or business violating this act prior to recourse to the Circuit Court. Upon proper showing injunctive relief or temporary restraining orders may be granted, and a receiver or conservator may be appointed.

(b) The Commission may:

(1) Make any public or private investigation which it deems necessary, either within or outside of this State, to determine whether any person has violated or is about to violate this act or any rule or order hereunder, or to aid in the enforcement of this act or in the prescribing of rules and forms hereunder.

(2) Require or permit any person to file a statement in writing, under oath or otherwise as the Commission may determine, as to all facts and circumstances concerning the matter to be investigated.

(3) For the purpose of any investigation or proceeding hereunder, the Commission or any officer designated by rule may administer oaths or affirmations, and upon its own motion or upon request of any party shall subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of relevant facts of any other matter reasonably calculated to lead to the discovery of material evidence.

(4) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected hereby, the Commission, through the Attorney General may apply to the Circuit Court for an order compelling compliance.

(5) Issue an order requiring the seller to cease and desist from any unlawful practice and to take such affirmative action as in the judgment of the Commission will carry out the purposes of this act, if, after notice and hearing, the Commission determines that a seller has violated any provisions of this act by:

a. Directly or through any agent of employees knowingly engaging in any false, deceptive, or misleading advertising, promotional, or sales methods to offer or dispose of an interest in any vacation time sharing plan; or

b. Making any substantial change in the plan of development and sale of the vacation time sharing plan subsequent to the order of registration without obtaining the prior written approval of the Commission, or

c. Violating any lawful order or rule of the Commission.

(6) Make findings of fact in writing that the public interest will be irreparably harmed by delay in issuing an order and in such case may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the Commission, whenever possible by telephone or otherwise, shall give notice of the proposal to issue a cease and desist order to the seller. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held promptly to determine whether or not it becomes permanent.

(7) Revoke any registration of a vacation time sharing plan if, after notice and hearing upon a written finding of fact, it determines that the seller has:

a. Failed to comply with the terms of a cease and desist order; or

b. Been convicted in any court of competent jurisdiction subsequent to filing of the application for registration, of a crime involving fraud, deception, false pretenses, misrepresentation, false advertising, or dishonest dealing, or

c. Disposed of, concealed or diverted any funds or assets of any person so as to defeat the rights of vacation time sharing plan purchasers, or

d. Failed to faithfully perform any stipulation or agreement made with the Commission as an inducement to grant any registration, to reinstate any registration, or to approve any promotional plan or advertisement; or

e. Made intentional misrepresentations or concealed material facts in an application for registration. Findings of fact that a specific provision of law has been violated shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(8) Issue a cease and desist order instead of revoking a registration if it finds, after notice and hearing, that the seller has been guilty of a violation for which revocation could be ordered.

Section 20. (a) Every applicant for a license under this act, either original or renewal, shall furnish a surety bond payable to the State of Alabama in the amount of \$5,000.00 if a time sharing salesman or \$10,000.00 if a broker, with a surety company authorized to do business in Alabama, which bond shall provide that the obligor therein will pay to the extent of

\$5,000.00 or \$10,000.00, respectively, any judgment which may be recovered against such licensee for actual loss or damage arising from his activities conducted under this act. Said bond shall be filed with the Alabama Real Estate Commission prior to the issuance of such license. A new bond or a renewal or continuation of the original bond shall be required for each licensing period. If a continuous bond is filed with the Commission prior to the issuance of such license, no such renewal bond must be filed as long as the continuous bond remains in force and effect. In the event the continuous bond is revoked by the surety company, it shall immediately notify the Commission and the licensee shall have 20 days in which to file another bond with the Alabama Real Estate Commission or his license shall be suspended until such new bond is filed.

(b) If at any time a final judgment is rendered against a licensee under this act and the final judgment shall result from or involve any activity covered by this act, the license of the licensee shall be automatically suspended. A judgment shall be considered final when no further relief is available from said judgment in the appellate courts of Alabama. In case of such suspension of license, the Commission shall give notice to the licensee that his license is suspended, and said licensee shall deliver this license to the Commission for disposition. Upon request by the suspended licensee, the Commission will set a date designating a time and place thereon for a hearing on the question or whether the license under suspension should be revoked, whether the suspension should be continued for a designated period or whether the suspension should be continued until terminated by the Commission upon the fulfillment of reasonable conditions imposed by the Commission. The hearing shall be conducted in accordance with Section 34-27-37 of the Code of Alabama 1975 and such appropriate rules and regulations as may be adopted from time to time by the Alabama Real Estate Commission. No licensee under this act whose license hereunder has been revoked may apply for another license hereunder until at least two years after the date of such revocation; and, in the event of such application for reinstatement, he shall meet all the requirements imposed upon an original applicant for a license under this act; and, furthermore, shall not be relicensed without approval of such relicensing by a majority of the members of the Alabama Real Estate Commission.

(c) Every licensee under this act shall be required to notify the Alabama Real Estate Commission of any civil or criminal action filed or initiated against such licensee within ten days of the receipt of notice by the licensee of the pending civil or criminal action when the civil or criminal action involves a transaction under this act, or involves the indebtedness of the licensee concerning expenses incurred in the development or continuation of a time sharing plan, or involves an alleged act of fraud, theft, misrepresentation, embezzlement, or extortion, or involves an alleged felony. The notification shall be in writing and shall include a copy of any civil complaint or other document alleging a complaint or criminal offense; or, if the licensee is not in possession of such legal documents, the notification shall include a notarized statement by the licensee of the substance of the civil or criminal action.

(d) Every licensee under this act shall be required to notify the Alabama Real Estate Commission of the outcome of any civil or criminal action of the type described in subsection (c) of this section within 10 days of the notice to the licensee of such outcome. This notification shall be in writing and shall include a copy of any judgment, order or other pertinent document issued by the court having jurisdiction of the matter; or, if licensee is not in possession of such legal documents, the notification shall include a

notarized statement by the licensee of the nature of the verdict, settlement, dismissal, or other outcome of the subject civil or criminal action.

Section 22. The requirements of this act regarding the establishment and maintenance of escrow accounts shall become effective on October 1, 1984. All other requirements under this act shall become effective October 1, 1983. The Commission shall have until November 30, 1983, to develop and administer its first timesharing license examination.

Until such time as the Commission delivers to sellers of vacation time sharing plan the first issue of the vacation time sharing license, the license requirements of the Alabama Real Estate License Law shall apply to sellers of time sharing plans.

Section 23. All laws or parts of laws which conflict with this act are hereby repealed.

Section 24. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 25. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Little offered the following amendment to the substitute for the Bill, S. B. 289, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR S. B. 289

Amend S. B. 289, Section 4 (3) a., page 9, line 27, after the word "within" by deleting the word "fifteen" and inserting in lieu thereof the following:

five

Also, in Section 4 (3) b., page 9, line 37, after the word "within" delete the word "fifteen" and insert in lieu thereof the following:

five

Also, in Section 4 (3) b., page 10, line 9, after the word "the" insert the following:

fifth

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Harrison	Proctor	
Barron	Covington	Kirkland	Robertson	
Bedford	Dixon	Little	Smith (J)	
Boyington	Foshee	Menton	Teague	
Cooley	Goodwin	Mitchell		—18

Nays: —0

Senator Foshee offered the following amendment to the Bill, S. B. 289, as amended by the substitute, as amended, to-wit:

**AMENDMENT TO S. B. 289 AS AMENDED**

Amend S. 289, the title, page 1, line 23, after the words "Attorney General", by inserting the following:

or the District Attorney of any county of the State of Alabama

Also, in Section 13, page 21, line 11, after the following words "State of Alabama", amend by inserting the following words:

or the District Attorney of any county of the State of Alabama

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Covington	Harrison	Proctor
Boyington	deGraffenried	Hilliard	Robertson
Cabaniss	Dixon	Little	Smith (J)
Cooley	Foshee	Menton	Teague
Corbett	Goodwin	Mitchell	

—18

*Nays:* —0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 109. To provide for the protection of state employees, agents, or servants for certain wrongful acts or omissions committed while in the performance of their official duties in the line and scope of their employment through the purchase of liability insurance or through the self-insurance of the several state departments, agencies, boards or commissions; to provide a procedure for the notification of the State Attorney General of suits against state employees for acts committed in the performance of their official duties in the line and scope of their employment; and to provide that the costs of such liability insurance or self-insurance shall be paid from funds appropriated to the several departments, agencies, boards or commissions for operation.

Also:

S. 38. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

JOHN W. PEMBERTON,  
Clerk.

**FURTHER CONSIDERATION OF S. B. 289**

The Senate proceeded to further consideration of the Bill, S. B. 289, as amended by the substitute, as amended.

And said Bill, S. B. 289, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Corbett	Goodwin	Menton	
Bedford	Covington	Harrison	Proctor	
Bedsole	deGraffenried	Hilliard	Robertson	
Boyington	Dixon	Kirkland	Smith (J)	
Cabaniss	Foshee	Little		—18

*Nays:*

—0

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 472. To amend Sections 11-88-8 and 11-88-50 of Chapter 88 of Title 11 of the Code of Alabama 1975 to clarify and expand the content of the term "revenues", to make clear that the costs which may be assessed by those authorities having the power to assess include expenses of issuance of bonds, including fees, charges or premiums on policies of bond insurance or letters of credit obtained in connection with bonds issued by an authority under the said Chapter, to amend Section 11-88-79 relating to assessments so as to provide for interests on the unpaid balance at the rate of eight percent per annum on the unpaid balance of any assessment if no bonds have been issued to finance the improvements which are the subject of such assessment, or at a rate which is one percent per annum in excess of the net interest rate on such bonds (as herein determined) if such bonds have been issued to finance such costs, and to amend Section 11-88-12 to state the criteria that may be used in fixing sewer rates and charges.

was taken up.

Senator Menton offered the following amendment to the Bill, S. B. 472, to-wit:

**AMENDMENT TO S. B. 472**

In section 1, in the quoted section 11-88-8 on page 4, delete entirely the last paragraph (lines 18-32) and insert in lieu thereof the following paragraph:

Any bonds issued by the authority shall be limited or special obligations of the authority payable solely out of the revenues of the authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the operation of all water systems, sewer systems and fire protection facilities owned by the authority or solely out of the revenues from the operation of any one or more of such systems or facilities or parts thereof, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain particular systems or facilities of the authority. For the purposes of this article revenues shall be deemed to include all moneys received by the authority with respect

Which was adopted.

Yeas 14; Nays 1.

*Yeas:*

Senators:	Bedsole	Harrison	Procter	
Bachus	Dixon	Kirkland	Robertson	
Barron	Foshee	Little	Smith (J)	
Bedford	Goodwin	Menton		—14



REGULAR SESSION  
25th Day

963

*Nays:* Senator Boyington

—1

On motion of Senator Boyington, further consideration of the Bill, S. B. 472, as amended, was postponed temporarily.

The Bill:

S. 517. To amend Section 13A-6-45, Code of Alabama 1975, relating to interference of child custody, so as to prohibit said interference by certain relatives in certain instances and to increase criminal penalties.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Menton
Bachus	Cabaniss	Goodwin	Proctor
Bailey	Cooley	Harrison	Robertson
Barron	Corbett	Kirkland	Smith (B)
Bedford	Dixon	Little	Smith (J)
Bedsole			

—20

*Nays:*

—0

ADJOURNMENT

At 7:50 P.M., on motion of Senator Proctor, in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Wednesday, July 13, 1983, at 1 o'clock P.M.

**TWENTY-SIXTH LEGISLATIVE DAY****WEDNESDAY, JULY 13, 1983**

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Jiles Williams, Jr., Pastor, New Providence Baptist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Foshee	Mitchell
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Harrison	Parsons
Bachus	Corbett	Hilliard	Pearson
Bailey	Covington	Holmes	Proctor
Barron	deGraffenried	Keener	Robertson
Bedford	Denton	Kirkland	Smith (B)
Bedsole	Dixon	Little	Smith (J)
Bishop	Figures	Menton	Teague

—35

**JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fifth Legislative Day was approved by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley:

H. 626. To amend Sections 34-29-20, 34-29-21, 34-29-23, and 34-29-41, Code of Alabama 1975, relating to the Board of Veterinary Medical Examiners, so as to provide for an executive secretary and to delete references to

the secretary-treasurer.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 626. To the Committee on Buildings and Grounds.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Pardons and Paroles Board.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 13th day of July, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Pardons and Paroles Board:

Reverend John Thomas Porter  
1112 Goldwire Way, SW  
Birmingham, Alabama

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 13th day of July, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Pardons and Paroles Board, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner:

H. 462. Relating to exemptions from the payment of state, county and

municipal ad valorem taxes, so as to exempt the Presbyterian Apartments of Birmingham, Inc., the Presbyterian Homes of Decatur, Inc., and Shoals Presbyterian Apartments, Inc., the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity, the Presbyterian Apartments in Northport, Alabama, from the payment of all such state, county and municipal taxes.

Also:

By Reps. Mitchell, Stout, Brakefield, McMillan, Hettinger, Ford, Drinkard, Richardson, Turner, Grouby, Owens, White (L), Venable, Faulk, Boles, Johnson (Roy), Poole, Holley, Bowling, Junkins, Langford, Melton, Newman, Carothers, Rice, Holmes, Hall, and White (F):

H. 103. To further provide for payroll deductions for state employees.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 462. To the Committee on Finance and Taxation.

H. B. 103. To the Committee on Governmental Affairs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Nicholson and Brakefield:

H. 300. To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of cessation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two acres or less; and to amend Section 9-16-75 relating to rule making procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for an emergency rule making procedure; and to amend Section 9-16-79(1)(a) relating to hearings and appeals by providing that the provisions of this Act shall take precedence over the Alabama Administrative Procedure Act as related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1.) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and subject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected; and to amend Section 9-16-105(a) to

provide for the conformity of Federal and state laws and regulations.

Also:

By Reps. Nicholson, Brakefield, Newman, Lauderdale, Ashley, Layton, Waggoner, Butler, Freeman, Goodwin, Dutton, Coleman, Laird, Carothers, White (L), Mathis, Johnson (RG) and Browder:

H. 578. To amend further Code of Alabama 1975, § 32-5-313, relating to a penalty for a traffic infraction so as to increase the amount of the penalty and provide that the additional amount to be used to fund courses of instruction in the driving of trucks.

Also:

By Rep. Scott:

H. 320. This bill amends Sections 22-21-20 and 22-21-27 of Code of Alabama 1975, by expanding the definition of Hospitals to include home health agencies and provides for an exception with reference to county or district health departments. Additionally, provides for expansion of the Advisory Board.

Also:

By Reps. Gaston, Kvalheim and Harper:

H. 529. To amend section 36-19-3, Code of Alabama 1975, relating to persons deemed assistants to the state fire marshal, so as to provide further for such assistants.

Also:

By Reps. Hettinger and Butler:

H. 27. To exempt all persons employed in public schools from liability for certain communications concerning the suspected use, possession, sale or furnishing of any controlled substance by any student, to the student's parents, law enforcement officers or health care providers.

Also:

By Rep. Sasser:

H. 767. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 300 and 578. To the Committee on Commerce, Transportation, and Utilities.

H. B.'s 320 and 767. To the Committee on Health and Welfare.

H. B. 529. To the Committee on Governmental Affairs.

H. B. 27. To the Committee on Education.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 65. To amend Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Murphy (With Notice and Proof):

H. 679. Relating to Shelby County; to prohibit any utility company, board, corporation or commission (exclusive of communications) which provide service in Shelby County from providing such services to any dwelling or structure until a certificate of approved sanitation has been issued by the Shelby County Health Officer or his authorized representative.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 679, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Poole and Manley (With Notice and Proof):

H. 803. Relating to Hale County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Hale County; repealing conflicting laws; and prescribing the effective date of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 803, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 841. Relating to Fayette County; providing a travel and subsistence expense allowance for the county superintendent of education; specifically repealing Act No. 442, H. 842, 1947 Regular Session (Local Acts 1947, p. 300); and providing that this act shall become effective July 1, 1983.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 841, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 679, 803, and 841. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Poole:

H. 765. To appropriate \$10,000 from the general fund to the Department of Public Health for the purchase of rubella vaccine to be administered for the purpose of preventing birth defects; to grant immunity to public employees administering such vaccine; and to authorize the charging of fees for such immunizations.

Also:

By Rep. Dutton:

H. 690. To require the Alabama Department of Conservation and Natural Resources to enter into an agreement with the U. S. Forest Service to expand the boundaries of the existing Black Warrior Wildlife Management Area; and to provide further for the marking of, management of, and hunting on the expanded area.

Also:

By Reps. Penry, McMillan, Brakefield, Starkey, Turner, Box, Kvalheim, Clikas, and Gaston:

H. 317. To provide further for the certification of factory-built housing; provides for the regulation, administration and enforcement of the provisions of this Act by the Alabama Development Office; establishes certain civil remedies and actions in connection with factory-built housing; provides penalties for violations of this Act or any rule or regulation promulgated hereunder; and repeals Sections 24-4A-1 through 24-4A-7, Code of Alabama 1975, which provide for manufactured buildings.

Also:

By Reps. Melton, Bryant, and Cosby:

H. 537. To amend Sections 34-14-3, 34-14-6, 34-14-7 and 34-14-11 of the Code of Alabama 1975, which regulate hearing aid dealers and fitters, so as to provide further for license fees, permits and renewals of same and to

provide for certain continuing education requirements for licensees.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 765. To the Committee on Finance and Taxation.

H. B. 690. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 317. To the Committee on Commerce, Transportation, and Utilities.

H. B. 537. To the Committee on Health and Welfare.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 38. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

Also:

S. 109. To provide for the protection of state employees, agents, or servants for certain wrongful acts or omissions committed while in the performance of their official duties in the line and scope of their employment through the purchase of liability insurance or through the self-insurance of the several state departments, agencies, boards or commissions; to provide a procedure for the notification of the State Attorney General of suits against state employees for acts committed in the performance of their official duties in the line and scope of their employment; and to provide that the costs of such liability insurance or self-insurance shall be paid from funds appropriated to the several departments, agencies, boards or commissions for operation.

CHARLES BISHOP,  
Chairperson.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.



**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 179. NAMING A PORTION OF HIGHWAY 50 "THE REVEREND JAMES ARTER SMITH HIGHWAY."

Also:

S. J. R. 180. COMMENDING MRS. GLORIA GARY FOR OUTSTANDING SERVICE TO THE STUDENTS OF SCOTT ELEMENTARY SCHOOL IN PRATT CITY.

Also:

S. J. R. 225. COMMENDING MR. JOHN A. STANLEY, SR., OF CHICKASAW, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

S. J. R. 249. URGING PRESIDENT REAGAN AND THE CONGRESS TO EXPEDITE THE APPROPRIATIONS FOR REPLACEMENT OF THE WILLIAM BACON OLIVER LOCK AND DAM ON THE WARRIOR RIVER NEAR TUSCALOOSA, ALABAMA.

CHARLES BISHOP,  
Chairperson.

**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Covington (With Notice and Proof):

S. 558. Relating to Barbour County; to abolish the current board of education, effective the day after the special November general election of 1983, at which election a new five (5) member county board of education shall qualify and be elected from the five (5) representation districts created for the Barbour County Board of Education pursuant to an order of the U. S. District Court for the Middle District of Alabama, Northern Division, dated July 10, 1970, Civil Action No. 2458-N.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B.

558, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Cooley (With Notice and Proof):

S. 559. Relating to Cullman County, to amend Sections 1 and 12 of Act No. 161, H. 182, 1973 Regular Session (Acts 1973, p. 202), which act levies a county hotel-motel lodging tax, so as to increase said tax, and to provide further for the use of the proceeds of such tax.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 559, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Barron and Smith (J) (With Notice and Proof):

S. 560. Authorizing the County Governing Body of Madison County to levy, assess and collect franchise, excise and privilege license taxes in Madison County outside the corporate limits of the City of Huntsville, Alabama, providing that the proceeds of said tax be paid into the general fund of Madison County; providing certain limitations on the levying of the taxes; providing for the enforcement and collection of the tax and distribution thereof, and providing an effective date for this act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 560, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Smith (J) and Barron (With Notice and Proof):

S. 561. To approve, pursuant to Amendment No. 373, to the Constitution of Alabama of 1901, the proposal of the governing body of Madison County, after a public hearing on the proposal, relating to special school taxes heretofore levied within School Tax District Number 1, Madison County, Alabama, that the rate of said special school taxes be increased above the rate now levied so as to increase the total rate of ad valorem taxes to be levied and collected within School Tax District Number 1, Madison County, Alabama, by 115¢ on each one hundred dollars worth of taxable property (11½ mills), making the total levy for special school taxes within School Tax District Number 1, Madison County, Alabama 22 mills; providing for an election by the qualified electors of School Tax District Number 1, Madison County, Alabama, at a special election called and held in accordance with law governing special elections; and providing for an effective date for this Act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 561, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Bachus and Proctor (With Notice and Proof):

S. 562. Relating to Shelby County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; to transfer certain duties now performed by the tax assessor and tax collector; to provide that the probate judge shall be a member of the Association of Tax Assessors and Tax Collectors; and to provide further for the expense allowance of the probate judge.

Committee on Local Legislation No. 1

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 562, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Bachus and Proctor (With Notice and Proof):

S. 563. Relating to Shelby County; authorizing and empowering the county commission to promulgate and implement rules and regulations including advance permit requirements for adequate control and accommodation of outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside the municipal or town limits of any city or town in Shelby County and prescribing penalty for violation.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 563, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Corbett:

S. 564. Relating to civil proceedings in this state; to grant personal immunity from suit in a civil action for officers or investigators of the Department of Public Safety for their actions when such persons act within the line and scope of their official duties and within the guidelines of the department, retroactively effective to suits filed on or after January 1, 1980, and setting aside any judgments entered since January 1, 1980, in any civil action against any person to whom immunity is granted pursuant to this act.

Committee on Judiciary.

By Senator Cooley (With Notice and Proof):

S. 565. Relating to Winston County; authorizing the Winston County Commission to levy a county excise tax on the sale, distribution, storage, or withdrawal from storage of gasoline and/or diesel fuel in such county; providing for the collection and enforcement of the tax, and appropriating the

proceeds therefrom.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 565, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Cooley (With Notice and Proof):

S. 566. Relating to Winston County; authorizing the Winston County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 566, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 262. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-sixth legislative day of the 1983 Regular Session only:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 163	Ed. emp. health ins.	131
H. B. 517	Veh. size & weight	150
S. B. 153	Pornography to minors	39
H. B. 575	Workmens Comp., corp.	suppl.
S. B. 438	District Attorneys, concealed weapons	115
H. B. 126	Aid out-of-work persons	suppl.
S. B. 532	Gasohol, alcohol blended fuel	suppl.
S. B. 158	Firearms, explosives, penalty	30
S. B. 330	National Guard, ceremonial fun.	66
S. B. 259	Veterans, educ. benefits	65
S. B. 364	Veterans, lic. plates, exempt	67
S. B. 57	Mobile Chamber of Commerce	32

Senator Dixon offered the following substitute for the Resolution, S. R. 262, to-wit:

**SUBSTITUTE FOR S. R. 262**

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-sixth legislative day of the 1983 Regular Session only:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 517	Veh. size & weight	150
S. B. 153	Pornography to minors	39
H. B. 575	Workmens Comp., corp.	suppl.
S. B. 438	District Attorneys, concealed weapons	115
H. B. 126	Aid out-of-work persons	suppl.
S. B. 532	Gasohol, alcohol blended fuel	suppl.
S. B. 158	Firearms, explosives, penalty	30
S. B. 330	National Guard, ceremonial fun.	66
S. B. 259	Veterans, educ. benefits	65
S. B. 364	Veterans, lic. plates, exempt	67
S. B. 57	Mobile Chamber of Commerce	32
H. B. 163	Ed. emp. health ins.	131

On motion of Senator Bishop, said substitute was laid on the table.

An on motion of Senator Bishop, the Resolution was then adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Flowers, Starr, Wilson, Langford, and Carothers:

H. 191. To amend Section 36-29-2 of the Code of Alabama 1975 relat-

ing to the state employees' insurance board so as to further provide for the state employee members of the board.

Also:

By Rep. Ford:

H. 496. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 191. To the Committee on Governmental Affairs.

H. B. 496. To the Committee on Banking and Insurance.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Harper and Clikas:

H. 63. To amend Section 9-12-54.5 of the Code of Alabama 1975, relating to shrimping by persons other than licensed bait shrimp dealers, so as to provide further for the catching of shrimp by such persons.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 63. To the Committee on Agriculture, Conservation, and Forestry.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Mathis, Manley, and Browder:

H. 279. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Also:

By Rep. Martin:

H. 231. To provide for the issuance of special permits for the move-

ment of certain type oversized loads over or on the highways of Alabama.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 279. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 231. To the Committee on Commerce, Transportation, and Utilities.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Crow, Carter, Smith, Newman, Poole, Blake, Bennett, Carothers, and Mathis:

H. 301. To amend Section 9-11-53, Code of Alabama 1975, relating to annual resident fishing licenses, so as to delete the requirement of said licenses for residents of this state over 65 years of age and to require in place thereof proof of age and permanent residence to be on said persons while fishing.

Also:

By Rep. Johnson (AL):

H. 613. To provide that any county shall be exempt from the provisions of Section 34-6-8, Code of Alabama 1975, prohibiting the keeping or operating of a pool or billiard table by the public outside of an incorporated city or town having a police force, by enactment of a local resolution therefor.

Also:

By Reps. Rice, Hettinger, Ashley, Wright, Parker, Owens, Cosby, Stout, Adams, Harvey, Kennedy, Penry, Freeman, Junkins, and Busky:

H. 614. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 301. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 613. To the Committee on Commerce, Transportation, and

Utilities.

H. B. 614. To the Committee on Industrial Expansion, Economic Growth, and Jobs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Davis, Escott, Horn, Rogers, Thornton, Murphy, Seibels, Buskey, Hettinger, Reed, Kennedy, Howard, Nevett, Coleman, Thomas, Junkins, Crow, Browder, Rains, Brooks, Dutton, Parker, Freeman, Nicholson, Lauderdale, Holmes, Melton, Bryant, Layton, Goodwin, Langford, Preuitt, Brakefield, Bennett, Wright, Scott, Hall, Butler, Clark, Waggoner, Ashley, Poole, Mitchell, Tucker, Johnson (AL), Albright, Moore, White (L), Blake, Mathis, Turnham, Wilson, Faulk, Blakeney, Carothers, Lewis, Holley, Trammell, and Johnson (Roy):

H. 813. To create the Alabama Indian Affairs Commission; to prescribe the powers, duties and authority of the Commission, and to provide for the selection, term, qualifications, and compensation of the members thereof; to provide for the appointment, duties, and compensation of an Executive Director and other employees of the Commission; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama 1975.

Also:

By Reps. Coleman, Junkins, Newman, Hall, Wright, Browder, and Lauderdale:

H. 450. To provide for and regulate through licensure and registration the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General, or the District Attorney of any county of the State of Alabama; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

Also:

By Reps. Flowers, Grouby, Browder, Smith, Rice, and Preuitt:

H. 299. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 813. To the Committee on Consumer Affairs.

H. B. 450. To the Committee on Buildings and Grounds.

H. B. 299. To the Committee on Judiciary.



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Payne, Trammell, Wright, Lewis, Biddle, Layton, Boles, and Murphy (With Notice and Proof):

H. 234. To amend further Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Also:

By Rep. Richardson:

H. 585. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 234. To the Committee on Local Legislation No. 2.

H. B. 585. To the Committee on Agriculture, Conservation, and Forestry.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 119. To be known as "The Revised Alabama Professional Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975, as amended, providing for: application of business corporation act and short title, application of business corporation act and nonprofit corporation act, definitions, purposes, applicability, general powers, rendering professional services, corporate name, issuance and transfer of shares and share certificates, death or disqualification of a shareholder, liability, professional relationships including privileged communications, voting trusts, directors and officers, amendments to articles of incorporation, merger and consolidation, involuntary dissolution at request of licensing authority, admission of foreign professional corporations, revocation of certificate of authority, annual report of domestic and foreign professional corporations, interrogatories by licensing authority, penalties and remedies, regulation of professional corporations, application to existing corporations; repealing Article 11

of Chapter 4, Title 10, Code of Alabama (1975); amending Section 10-10-2, Code of Alabama (1975); and providing that Title 10, Article 10, Code of Alabama shall only apply to unincorporated associations organized before the effective date of this Act.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 68. To amend Section 41-16-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewal entered into by municipalities and/or counties for sanitation services.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Parsons, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 68, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE AMENDMENT TO S. B. 68

Amend Senate Bill 68, Page 1, Synopsis, line 12 after the word "services" by changing the period to a semicolon and adding the following language: and to clarify the exemption relating to the expenditure of funds by utility systems for supplies or materials.

Further amend Senate Bill 68, Page 1, Title, line 22 after the word "services" by changing the period to a semicolon and adding the following language: and to clarify the exemption relating to the expenditure of funds by utility systems for supplies or materials.

Further amend Senate Bill 68, Page 3, Section 1, item (7) by deleting lines 33 through 35 in their entirety and inserting in lieu thereof the following language: "(7) The purchase of supplies or materials needed, used and consumed in the normal, routine and customary operation of any water-works system, sanitary.

Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Harrison	Parsons	
Bedford	Covington	Little	Robertson	
Bedsole	Denton	Menton	Smith (B)	
Bishop	Dixon	Mitchell	Smith (J)	
Cooley	Goodwin	Mitchem	Teague	—19

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Reso-

lutions and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 397. COMMENDING MR. JOHNNY LOUIS CLARK FOR OUTSTANDING LEADERSHIP.

Also:

By Rep. Minus:

H. J. R. 398. COMMENDING HOWARD J. TURNER, JR., FOR OUTSTANDING LEADERSHIP.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 397 and 398, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Drake and Casey:

H. J. R. 395. COMMENDING DR. ROBERT LAWSON BRYAN, PASTOR OF THE DEXTER AVENUE UNITED METHODIST CHURCH, MONTGOMERY, ALABAMA.

Also:

By Reps. Butler, Scott, White (L), Johnson (RG), Davis, Thomas, and Freeman:

H. J. R. 396. COMMENDING THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA ON THE ESTABLISHMENT OF "PROJECT DOCTOR'S CARE."

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 395 and 396, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Smith, Butler, Dutton, Blakeney, Richardson, Mathis, Penry, Grimsley, Bowling, Faulk, Preuitt, White (F), Rains, Harvey, and Hall:

H. J. R. 378. COMMENDING THE ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES ON THE OCCASION OF THE DE-

## PARTMENT'S 100TH ANNIVERSARY.

Also:

By Rep. Turnham:

H. J. R. 379. COMMENDING DR. HENRY PORTER ORR FOR OUTSTANDING SERVICE TO AUBURN UNIVERSITY.

Also:

By Reps. Turnham, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, and Zoghby:

H. J. R. 380. COMMENDING THE EMPLOYEES OF THE CIBA-GEIGY CORPORATION'S McINTOSH, ALABAMA, PLANT.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolutions, H. J. R.'s 378, 379, and 380 set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 373. The purpose of this bill is to amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Senator Aldridge, the Senate concurred in and adopted the following House substitute to the Bill, S. B. 373, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 373

A BILL  
TO BE ENTITLED  
AN ACT

The purpose of this bill is to amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-16-34, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-16-34. Compensation of members.

(a) Upon written order of the presiding circuit judge, the jury commission shall meet on such days as are required to replenish the number of names in the trial court jury box and to perform such other necessary duties as are related thereto. Each member of the jury commission shall be paid the sum of \$10.00 per day for the time each day he is actually engaged in the discharge of his duties pursuant to the order of the presiding circuit judge as such member. The president of each jury commission shall submit all claims for compensation for its members along with a copy of the order of the presiding circuit judge to the Administrative Director of Courts. Claims shall be submitted on such forms as may be prescribed by the Administrative Director of Courts, and, if approved, shall be processed and paid by the state such sum to be paid by the state upon the certification of the circuit clerk that such services have been rendered.

(b) The compensation of each member of the commission shall not exceed for any year of his term the following amounts:

- (1) In counties of 25,000 population or less, \$200.00;
- (2) In counties exceeding 25,000 and not exceeding 50,000 population, \$500.00; and
- (3) In counties having a population of more than 50,000, but not more than 600,000, \$600.00; or the amount prescribed by local law or a general law of local application based on population, whichever is greater. and
- (4) In counties having a population of more than 600,000, \$1,200.00.

Section 2. Section 12-16-37, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-16-37. Clerks of Commissions — Authority for employment Compensation;; Clerical Assistance.

(a) The clerk of the circuit court in counties having a population of 60,000 population or less according to the last federal census preceding the employment, his election or appointment, may elect to serve as clerk of the jury commission; provided that notice of his intent to serve as clerk for the commission shall be filed in writing with the presiding circuit judge and the Administrative Director of Courts within 30 days after assuming the duties of clerk of the circuit court. Provided that the provisions of this section

shall not prohibit any clerk of the circuit court who is on the effective date of this Act serving as clerk of the jury commission or clerk of any similar body established by local law to act in lieu of the jury commission, from serving as clerk of the jury commission as provided in this Article, regardless of the population of their respective counties; all provisions to the contrary in subsection (b) of this section notwithstanding. Provided further that on the effective date of this Act, any clerk of the circuit court who is serving as clerk of the jury commission or clerk of any similar body established by local law to act in lieu of the jury commission, shall continue to serve as clerk of the jury commission, unless and until notice of their intent not to serve in such capacity is filed with the presiding circuit judge and the Administrative Director of Courts. ~~the clerk of the circuit court may be employed as the clerk of the jury commission, and, in such counties, the clerk of the jury commission, whether he is the clerk of the court or not, shall be paid for his services rendered under direction of the jury commission the sum of \$10.00 per day while actually engaged in performing his duties, such sum to be paid by the state, provided, that such clerk of the jury commission shall not receive more than \$600.00 as compensation for his services in any one year.~~

(b) In counties having a population of more than 60,000 and less than 200,000 population according to the last or any subsequent federal census and in all other counties where the clerk of the circuit court does not serve as clerk of the jury commission, the commission shall employ a clerk who shall serve at the pleasure of the commission subject, however, to the election of the clerk of the circuit court to serve in such capacity as provided in subsection (a) of this section. ~~held no other office during the term of his employment and who shall be paid for his services rendered under the direction of the jury commission the sum of \$10.00 per day while actually engaged in performing his duties, such sum to be paid by the state, provided, that the jury commission in such counties, with the approval of the administrative director of courts, shall have authority to employ such clerical assistance as is necessary and proper, and may expend for such clerical assistance in compensation and expenses a sum not to exceed \$450.00 per month, or the amount prescribed by local law or a general law of local application based on population, heretofore enacted, whichever is greater.~~

(c) In counties having more than 200,000 population according to the last or any subsequent federal census, the jury commission in such county shall have the authority to employ such clerical assistance as such commission deems necessary and proper and may expend for such clerical assistance in compensation and in paying their reasonable and necessary expense in performing the duties of their employment a sum not to exceed \$450.00 per month to be paid by the state. The clerk of the jury commission, whether he is the clerk of the court or not, shall be paid for his services rendered under the direction of the president of the commission, the sum of \$10.00 per day while actually engaged in performing his duties. All claims for services rendered by the clerk of the jury commission shall be submitted to the Administrative Office of Courts by the president of the commission on such forms as may be prescribed by the Administrative Director of Courts. If approved, said claims shall be processed and paid by the state.

Section 3. If in any county there exists any board of similar body consisting of three appointed members or less which was established by local law to act in lieu of the jury commission as provided in this Article, such board or commission members may elect to automatically become members of the jury commission during the unexpired term of the Governor; pro-

vided, that such election shall be made in writing within thirty days of the effective date of this Act, and filed with the Secretary of State and the Administrative Director of Courts; provided further, that the provisions of this section shall apply only to those persons wishing to be members of the jury commission who meet all the qualifications as provided in Section 12-16-31.

Section 4. No full-time clerical employee of any jury commission or similar body established by local law to act in lieu of the jury commission shall be terminated from full-time employment as a result of the provisions of this Act. Provided further that any full-time clerical employee of any body which is acting in lieu of the jury commission shall, on the effective date of this Act, become the full-time employee of the jury commission of that respective county and shall be under the direction of said commission.

Section 5. All local laws and general bills of local application in conflict with or contrary to the provisions of Article 2 of Title 12, Chapter 16, Code of Alabama 1975, are hereby repealed, provided, however, that after the effective date of this Act, no jury commissioner appointed pursuant to Section 12-16-32, shall have his or her salary diminished during their current term of office and any county that is prior to the effective date of this Act, paying a salary supplement pursuant to a local law shall continue paying such supplement, but only during the remainder of the jury commissioners' present terms; and in no event shall any such local supplements be authorized after January 18, 1987. Provided further that the compensation for any circuit court clerk for services rendered as clerk of the jury commission or clerk of any similar body established by local law to act in lieu of the jury commission, shall not be reduced during their tenure as circuit clerk, so long as they serve as clerk of the jury commission.

Section 6. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this Act shall become effective 30 days after its passage and approval by the Governor, or after its otherwise becoming a law.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Robertson
Aldridge	Corbett	Keener	Smith (B)
Barron	deGraffenried	Kirkland	Smith (J)
Bedsole	Denton	Little	Teague
Boyington	Dixon	Mitchell	

—18

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Coleman, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall,

Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, and Zoghby:

H. J. R. 383. COMMENDING MRS. LINDA BOWEN OF MONTGOMERY, ALABAMA, WHO EXEMPLIFIES THE INDEPENDENT AND PRODUCTIVE BLIND CITIZENS OF THE STATE OF ALABAMA.

Also:

By Reps. Rains and Coleman:

H. J. R. 384. COMMENDING MRS. MONA FRICKS, DIRECTOR OF THE ALBERTVILLE LIBRARY, ALBERTVILLE, ALABAMA.

Also:

By Reps. Poole, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, and Zoghby:

H. J. R. 386. CONGRATULATING VICTOR F. MITCHELL UPON HIM REACHING HIS NINETIETH MILESTONE.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 383, 384, and 386, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 393. LEGISLATIVE INTENT RELATIVE TO COMPENSATION FOR SUMTER COUNTY COMMISSIONERS.



WHEREAS, the Alabama Legislature passed Act No. 82-552, S. 387, Regular Session 1982 (Acts 1982, p. 912), which provides for a minimum salary for county commissioners and chairmen of county commissions and requires a resolution be approved by the sitting county governing body to be effective, at the expiration of the term or terms of office of the member or members whose term or terms first expire, for any increase; and

WHEREAS, it was the purpose of the Alabama Legislature in enacting this law to have all county commissioners adequately and fairly compensated; and

WHEREAS, it was the specific intent of the Alabama Legislature that the prior Sumter County Commissioners approve a resolution to provide that the newly elected Sumter County Commissioners and Chairman receive compensation prescribed by Act No. 82-552, S. 387, Regular Session 1982 (Acts 1982, p. 912); and

WHEREAS, the prior Sumter County Commissioners either failed or refused to approve a resolution necessary to activate the increased rate of compensation pursuant to said Act No. 82-552; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That it was the intent of the Alabama Legislature that the present Sumter County Commissioners and Chairman would receive compensation from the commencement of their term pursuant to said Act No. 82-552.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each Sumter County Commissioner and Chairman.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 393, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### REPORTS OF COMMITTEES

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell (With Substitute):

S. 94. To amend Section 11-46-21, Code of Alabama 1975, so as to provide that regular municipal elections shall be held on the second Tuesday of July of each year in which the term of office of the mayor or a member of the governing body shall expire.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Dixon (With Amendment):

S. 391. To amend Section 10-1-2, Code of Alabama 1975, relating to

political action committees, so as to limit said committees' contributions to legislative candidates.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Stout and Parker (With Substitute):

H. 421. To amend Section 34-8A-7, Code of Alabama 1975, relating to qualifications for professional counselors, so as to further provide therefor, and to repeal Section 34-8A-23, Code of Alabama 1975, which relates to same.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally a second time and placed on the calendar, to-wit:

By Senator Boyington:

S. 526. To amend Section 11-43-50, Code of Alabama 1975, so as to require that there shall be at least one regular meeting of the council, each month, in the towns of this state and to provide a procedure for additional regular meetings of the council, each month, at the option of the council of the town; to establish an effective date.

By Reps. Warren and Grouby:

H. 562. To amend Section 41-1-6 of the Code of Alabama 1975, so as to decrease the frequency of the report of nonconsumable personal property, from every six months to annually.

By Reps. Warren and Grouby:

H. 561. To amend Section 36-16-8 of the Code of Alabama 1975, to decrease the frequency of the report of nonconsumable property from every six months to annually.

By Rep. Waggoner:

H. 686. To further amend Section 11-60-1, Code of Alabama, 1975 respecting municipal public park and recreation boards, to amend the definitions in the said act to include the recreational facilities, handball courts and gymnasiums in the definition of "Project" therein.

By Rep. White (L):

H. 174. To amend Section 11-50-234, Code of Alabama, 1975 relating to the Board of Directors of Water Works and Sewer Boards organized under the provisions of Division 1, Article 8, Chapter 50, Code of Alabama, 1975 so as to authorize the governing body of any municipality which has heretofore or hereafter authorized the creation of such a corporation to increase the board of directors of the corporation from three to five members, any provision of the Articles of Incorporation of such corporation to the contrary notwithstanding.

By Rep. Waggoner:

H. 89. To amend Section 11-43-3, Code of Alabama 1975, to eliminate

the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

By Reps. Poole, Holley, Albright, Junkins, Layton, Bennett, Hall, Freeman, Mitchell, Rogers, Smith, Johnson (Roy), Brakefield, and Minus:

H. 288. To amend Section 41-16-24 of the Code of Alabama 1975, relating to solicitation procedure for competitive bids on public contracts, so as to provide further for such procedure.

By Rep. Starr:

H. 444. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Adams, Ford, Bowling, Rice, Manley, Junkins, Stout, Martin, Richardson, White (F), Cosby, Starr, Campbell, Owens, Lewis, Carter, Casey, Turner, Box, Zoghby, Kvalheim, Laird, Clikas, Penry, McMillan, Thomas, Gaston, Buskey, Grouby, Wilson, Venable, Blakeney, Harper, Johnson (A.L.), Johnson (R.G.), Browder, Blake, Albright, Layton, Hammett, Holmes, Butler, Brakefield, Drake, Harvey, Wright, Waggoner, Seibels, Horn, Rogers, Davis, Melton, Howard, Trammell, Goodwin, Scott, Escott, Grimsley, Coburn, Newman, Coleman, Lauderdale, Starkey, Ashley, Freeman, Hettinger, Hall, Brooks, McKee, Reed, and Biddle (With Amendments):

H. 493. To amend Sections 16-60-110, 16-60-111.1, 16-60-111.3, 16-60-111.4, 16-60-111.5, 16-60-111.6, 16-60-111.7, 16-60-111.8 and 16-5-13, Code of Alabama 1975, which provide for the management and control of trade schools, so as to provide for the establishment and appointment of a Board of Trustees for state junior, community and technical colleges; to provide for the powers and duties of the Board in planning, developing, and supervising the institutions within its jurisdiction; to provide for the appointment of a Chancellor who will be the executive officer of the Board and serve as the chief executive officer of the state two-year postsecondary institutions; and to transfer the state department of postsecondary education to the control of the Board of Trustees of the state two-year institutions.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Wilson:

H. 461. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

By Senator Goodwin:

S. 542. To provide for the payment of tuition and the cost of text-

books for an undergraduate student in a state college, state community college, state junior college, state technical college, or state university, who is the dependent child or spouse who has not remarried, of a law enforcement officer or firefighter killed in the line of duty; to create a Tuition Eligibility Board to administer the provisions of the act and appointments and memberships; and to prescribe its composition, duties and responsibilities; to appropriate sufficient funds from the general fund of the state treasury; and to specifically repeal Act No. 82-277, S. 237 of the 1982 Regular Session (Acts 1982, p. 348), which is the "Policeman's Survivor Act" and conflicting laws; and to make the provisions retroactively effective.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Amari:

S. 230. To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include a swimming pool contractor in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude a swimming pool contractor from the exemptions found within Section 34-8-7, Code of Alabama 1975.

By Reps. Grouby and Warren:

H. 305. To amend Section 32-8-2, Code of Alabama 1975, which defines certain terms for a uniform certificate of title for motor vehicles, so as to provide further for the definition of "owner."

By Rep. Turnham:

H. 233. Relating to the Alabama Uniform Certificate of Title and Antitheft Act; to amend Section 32-8-41, Code of Alabama 1975, so as to eliminate the requirement of the state department of revenue to issue a non-transferable duplicate certificate of title for mailing to the owner to serve as a permit for the operation of a motor vehicle; and to amend Section 32-8-38, Code of Alabama 1975, so as to provide that the owner's permit copy of the application for certificate of title be retained by the owner as a nonnegotiable document as evidence of ownership and as a permit for the operation of a motor vehicle in order to eliminate the use of a form that duplicates the effects of another form.

By Rep. Harvey:

H. 55. To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of \$.50 per active service line per year for each active service line in said system.

By Rep. Brooks:

H. 630. To amend Section 32-5-215, Code of Alabama 1975, which provides for windshields on motor vehicles, so as to prohibit the use of tinted or obstructed windshields.

By Reps. Carothers and Johnson (RG):

H. 149. To further regulate and control alcoholic beverage transac-

tions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Amari:

S. 404. To amend sections 11-91-1 through 11-91-5 and 11-91-7, Code of Alabama 1975, relating to group life, health and accident insurance plans for officers and employees of municipalities and counties, so as to clarify which officers and employees should be included in such insurance plans; to supersede Act No. 716, H. 1342, 1977 Regular Session (Acts 1977, p. 1258) relating to hospitalization insurance for certain retired employees of municipalities having populations of 250,000 or more; and to repeal all laws or parts of laws in conflict herewith.

By Rep. Campbell:

H. 509. To amend Section 5-18-5 and 5-19-22, Code of Alabama 1975, relating to annual license fees paid by persons making certain type loans, so as to alter said license fees and to provide for the distribution of said revenue.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Notice and Proof):

S. 536. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government, a council-manager form of government, or a federal court-ordered district-commission form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provisions of this act.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Figures (With Notice and Proof) (With Amendment):

S. 553. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government, a council-manager form of government, or a federal court-ordered district-commission form of government. The bill provides that the form a majority of the electors choose shall apply to the city. The bill provides for an election of seven council members and a mayor; one member from each of seven districts and the mayor elected at large.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Turner (With Notice and Proof):

H. 638. Relating to Mobile and Baldwin Counties; to further define the boundary between said counties and the southern boundaries of each of said counties.

By Reps. Zoghby, Clikas, Clark, Turner, Kvalheim, Gaston, Harper, and Kennedy (With Notice and Proof):

H. 790. Relating to Mobile County; providing for an annual distribution to Mobile United, Inc. from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Proctor and Bachus (With Notice and Proof):

S. 557. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

By Senator Robertson (With Notice and Proof):

S. 550. Relating to Pickens County; prohibiting the possession of alcoholic liquors and beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901; providing for exceptions; and providing penalties for violations.

By Senator Robertson (With Notice and Proof):

S. 549. Relating to Pickens County; to provide for the time intervals in which elections may be held as to the question of whether to allow or to prohibit the manufacture and sale of wine, alcoholic liquor or beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901.

By Senator Kirkland (With Notice and Proof):

S. 548. Relating to Escambia County; providing further for the compensation of supernumerary circuit clerks; providing for an expense allowance for such supernumerary officials and allocating the amount payable from the county general fund.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Little (With Notice and Proof) (With Substitute):

S. 547. To amend further Section 3 of Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597), which act regulates the registration and identification of certain trailers in counties having a population of not less than 60,000 nor more than 68,000 inhabitants according to the 1970 federal decennial census, so as to reduce the local late registration fees on mobile homes, to provide further for the distribution of such fees, and to make the provisions of this Act effective October 1, 1983.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Notice and Proof) (With Amendment):

S. 546. Relating to Limestone County; prohibiting residents of the City of Athens from voting in the election of the county superintendent and county board of education.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Figures (With Notice and Proof):

S. 277. To provide for an adjustment in certain benefits paid under the pension and relief system for policemen and firemen of the City of Mobile to retired members of such system who retired after October 1, 1977, and before May 4, 1978.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Adams and Johnson (AL):

H. 227. To provide that a convicted defendant in a misdemeanor case shall be required to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

By Senators Goodwin, Smith (J), Smith (B), Bedsole, Bachus, Harrison, Boyington, Barron, Bedford, and Corbett:

S. 211. To define and set the punishment for the crimes of; unlawful

distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, Sections 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, Sections 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date 90 days after its passage and approval.

By Reps. Lewis, Sasser, Payne, White (L), Smith, and Brooks:

H. 264. To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9.

By Rep. Campbell:

H. 77. To amend the definitions contained in § 13A-10-30 [in the criminal code article on escape and related crimes] to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

By Reps. Albright and Brooks:

H. 306. To define and provide for the offense of prostitution, and to prescribe punishment as a Class A misdemeanor as provided by the state criminal code.

By Senator Parsons:

S. 510. To amend section 6-10-6, Code of Alabama 1975, relating to exemption of certain personal property from levy and sale under execution, so as to provide that no such property upon which a debtor has voluntarily granted a lien shall be subject to such exemption.

By Rep. Albright:

H. 308. This bill relates to the styling of criminal cases and provides that all warrants, informations, presentments or indictments initiated or preferred pursuant to any criminal law of this state, shall be initiated or preferred in the name of the People of the State of Alabama and any judi-



cial proceeding relating thereto, other than a Grand Jury proceeding, shall be likewise judicially styled or judicially referred to accordingly. This bill further provides that all indictments must contain in the caption or body thereof, the name of the state, county court and time when it is preferred and must conclude "Against the peace and dignity of the People of the State of Alabama," thereby amending Section 15-8-3 of the Code of Alabama, 1975, relating to the required contents of indictments. This bill becomes effective on the 1st day of January, 1984.

By Reps. Stout and Bowling:

H. 798. To provide for the criminal offense of theft of trade secrets and to prescribe penalty for conviction of such offense.

By Reps. Flowers, Grouby, Browder, Smith, Rice, and Preuitt:

H. 298. To amend § 15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor; and to specify the sentences to which this Act applies; to provide what shall be the effect of any holding that such a limitation on parole is ineffective or invalid; and to specify the effective date of this Act.

By Reps. Carter and Butler:

H. 214. To amend Section 13A-6-45 of the Code of Alabama 1975, relating to interference with custody, so as to change the penalty for such offense from a misdemeanor to a felony.

By Reps. Freeman, Brooks, Hettinger, Coleman, Butler, Waggoner, McKee, White (L), Carter, Bowling, Hall, Cosby, Richardson, Lauderdale, Moore, Goodwin, Ashley, Albright, Starkey, Junkins, Newman, Browder, Seibels and Dutton:

H. 347. To amend Section 13A-6-69, Code of Alabama 1975, which provides for the crime of enticing a child to enter a vehicle or house for immoral purposes, so as to provide further for said crime and to create the separate crime of child enticement.

By Reps. Boles, Smith, and Trammell:

H. 307. To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any original judgment or decree for the payment of support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing, prospective support obligations; to provide for the content or orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and, further to specifically repeal Sections 6-6-490 through

6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

By Senator Menton:

S. 540. To amend section 43-2-42 of the Code of Alabama 1975, which relates to the order of preference in the right to administer an intestate's estate, so as to provide further for the order of granting said right of administration in counties where the general administrator is elected by vote of the people.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Kirkland:

S. 539. To amend further Section 9-17-13 of the Code of Alabama 1975, relating to the integration of separately owned tracts of land and development of same in drilling units, so as to provide that non-consenting owners in a pooled drilling unit shall be required to pay their proportionate share of the drilling and completion cost out of their share of production plus a charge for risk of 200% of the actual drilling and completion costs, this cost to be paid out of first production, and in the event production is not obtained in paying quantities, the operator of the well shall have no charge against the non-consenting owner or owners.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 470. To exempt from the payment of any and all state, county and municipal ad valorem taxes on real and personal property of certain Alabama nonprofit corporations organized for the purpose of providing low cost housing for certain elderly or handicapped persons when the projects of any such nonprofit corporation are financed by loans made, insured or guaranteed by the United States government under provisions of the National Housing Act or of the United States Housing Act of 1937; to provide certain other qualifications for such exemptions including the requirement of certain charter provisions relating to compensation of directors and officers, distribution of income or assets and the conveyance of assets in the event of dissolution or other liquidation.

By Senators Mitchell and Goodwin:

S. 555. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and

to make loans from such fund to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such building; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

By Senators Mitchell and Goodwin:

S. 556. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

By Reps. Hall and Butler:

H. 21. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include diesel fuel used for off-highway agricultural purposes.

By Reps. Martin and Parker:

H. 56. To establish the children's trust fund in the state treasury for the primary purpose of encouraging the direct provision of services to prevent child abuse and neglect and to provide for the continuous appropriation of moneys in such fund; to authorize and provide for voluntary contributions to such fund by means of an income tax checkoff and to prescribe certain duties for the state revenue department and the state treasurer in connection with such checkoff contributions; to provide for reimbursing the revenue department for the additional cost of collecting and handling such contributions; to provide for terminating the voluntary contributions when the trust fund reaches a certain amount; to regulate the use of the trust fund; to provide that the child abuse and neglect prevention board shall have access to and control over the fund and shall supervise and control the use of the assets of the fund; and to prescribe the effective date of this act.

By Reps. Payne, Lewis, White (L), Bennett, Preuitt, Johnson (RG), Biddle, Hall, Rice, Poole, Boles, Mitchell, Starkey, Cosby, Starr, Wilson, Raines, Laird, Grouby, Box, Faulk, Kvalheim, Gaston, Dutton, Freeman, Murphy, Zoghby, Harper, Drinkard, Coleman, Butler, Rogers,

Escott, Trammell, Waggoner, Hettinger, Moore, Adams, Layton, Grimsley, Mathis, Ashley, Stout, Johnson (Roy), Parker, Smith, Scott, Goodwin, Brooks, Junkins, Turner, White (F), Penry, Hammett, Brakefield, Harvey, and Lauderdale:

H. 805. To exempt the 34th National Square Dance Convention from the payment of all state, county and municipal sales and use taxes.

By Reps. Boles and Trammell:

H. 842. To amend Sections 12-17-231 and 12-17-233, Code of Alabama 1975, relating to the Office of Prosecution Services, so as to provide that employees of said office shall be eligible for membership in the state employees' retirement system; to authorize legislative appropriations to the office; and to provide a new provision of law to provide for a conditional appropriation to said office.

By Rep. Casey:

H. 826. To make an absolute appropriation from the State General Fund out of funds now or to become available to the named recipients in the amount indicated for the fiscal year ending September 30, 1983.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Coburn (With Notice and Proof):

H. 527. Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

By Rep. Coburn (With Notice and Proof):

H. 528. Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted by the 1983 Alabama State Legislature, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

By Reps. Penry and McMillan (With Notice and Proof):

H. 609. Relating to Baldwin County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of

revenue; and prescribing penalties and fixing punishment for violation of this act.

By Reps. Carter and Butler (With Notice and Proof):

H. 639. Relating to Limestone County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Limestone County Jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act and to repeal all laws or parts of laws which conflict with this act.

By Reps. Carter and Butler (With Notice and Proof):

H. 640. Relating to Limestone County; amending Act No. 79-501, S. 620, 1979 Regular Session, as amended, which provides for the distribution of T.V.A. payments, so as to provide further for said payments.

By Reps. Carter and Butler (With Notice and Proof):

H. 641. Relating to Limestone County; amending Act No. 81-510, S. 572, 1981 Regular Session, so as to provide further for the distribution of a special recording fee on documents filed in the probate office.

By Rep. Flowers (With Notice and Proof):

H. 688. Relating to Pike County; prescribing and further providing for the meeting dates of the Pike County Commission.

By Rep. Dutton (With Notice and Proof):

H. 689. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

By Rep. Reed (With Notice and Proof):

H. 733. Relating to Bullock County; to amend Section 2, Act No. 241, 1976 Regular Session of the Alabama Legislature pertaining to levying and collecting assessments on forestlands in Bullock County.

By Reps. Holley and Mathis (With Notice and Proof):

H. 748. Relating to Coffee County; providing an expense allowance for members of the county board of education; prescribing the manner of payment; and repealing conflicting laws.

Senator Foshee, Chairperson of the Standing Committee on Building and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Zoghby:

H. 693. To amend Act No. 81-1183, H. 71, 1981 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Alabama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and

ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Carothers and Martin (With Substitute):

H. 148. To amend Section 39-1-1, Code of Alabama 1975, so as to expedite settlements with contractors performing contracts of less than \$10,000.00 in amount; to provide procedures for payment of final settlements of such contracts upon completion and full compliance with the terms of the said contract.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Amari (With Notice and Proof):

S. 544. To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of retail electric service; to provide procedures for eliminating or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Flowers (With Notice and Proof):

H. 755. To provide that the judge of probate of Pike County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for employees who shall serve at the pleasure of said judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 772. Relating to Henry County only; fixing the fee for issuance of a pistol permit by the sheriff; providing for the distribution and use of such fees; and repealing all laws in conflict herewith.

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 773. Relating to Henry County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; and repealing conflicting laws.

By Reps. Rains, Coleman, and Harvey (With Notice and Proof):

H. 816. Relating to Marshall County; to provide that all county commissioners shall serve full time; providing for compensation; and providing

for retroactive effect.

By Reps. Mitchell, Owens, Johnson (Roy), Poole, and Melton (With Notice and Proof):

H. 820. Relating to Tuscaloosa County, to amend Sections 1 and 2 of Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), which act deals with the issuance of pistol permits in certain counties classified on a population basis, so as to provide further for fees and renewals.

By Reps. Mitchell, Owens, Johnson (Roy), Poole, and Melton (With Notice and Proof):

H. 821. To authorize a procedure whereby the sheriff of Tuscaloosa County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of Tuscaloosa County and stored by said department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Tuscaloosa County, Alabama, or by posting in a conspicuous place at the Tuscaloosa County courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the sheriff of Tuscaloosa County, Alabama, may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Tuscaloosa County, Alabama.

By Rep. Flowers (With Notice and Proof):

H. 13. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

By Rep. Turner (With Notice and Proof):

H. 29. Relating to Washington County; to provide for the election of members of the county commission by districts.

By Rep. Turner (With Notice and Proof):

H. 30. To provide an additional expense allowance for the coroner of Washington County.

By Rep. Turner (With Notice and Proof):

H. 31. Relating to Washington County; amending Act No. 503, H. 1005 of the 1978 Regular Session, so as to provide further for the compensation of poll workers.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:



By Rep. Turner (With Notice and Proof) (With Substitute)

H. 38. Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Turner (With Notice and Proof):

H. 39. Relating to Washington County; amending Act No. 579, H. 1656 of the 1975 Regular Session, to provide further for an expense allowance for members of the county board of education.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Goodwin (With Notice and Proof) (With Substitute):

H. 53. Relating to Colbert County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Poole (With Notice and Proof):

H. 119. Relating to Pickens County; providing for an increase in court costs and providing for the disposition of the proceeds from such increase and providing for the conditions upon which the provisions of this act shall become effective.

By Rep. Poole (With Notice and Proof):

H. 120. Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

By Reps. McMillan and Penry (With Notice and Proof):

H. 131. Relating to Baldwin County; to provide for a special recording fee on documents filed in the office of the Judge of Probate; to provide that such special recording fee be used for the purpose of acquiring and maintaining electronic data processing equipment for the office of the Judge of Probate and to provide for retroactive effect.



By Reps. McMillan and Penry (With Notice and Proof):

H. 132. To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

By Reps. McMillan and Penry (With Notice and Proof):

H. 135. Relating to Baldwin County; authorizing the Baldwin County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

By Rep. Turner (With Notice and Proof):

H. 187. Relating to Mobile County; establishing and providing for the Mobile County Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from Act No. 82-427, 1982 Regular Session; and providing for the forfeiture of certain funds upon falsification of registration forms.

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 335. Relating to selling and redeeming lands for taxes in Henry County, Alabama.

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 346. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

By Rep. Minus (With Notice and Proof):

H. 451. To provide for the protection of forests within Choctaw County and to assess the whole or a part of the cost thereof, within a prescribed limit against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

By Rep. Dutton (With Notice and Proof):

H. 504. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Lawrence County and to provide for the use of such fees.

By Rep. Mitchell (With Notice and Proof):

H. 519. To provide for branch banking in Pickens County.

By Rep. Mitchell (With Notice and Proof):

H. 520. Relating to Pickens County; to amend Section 1 of Act No. 529, H. 574, 1971 Regular Session (Acts 1971, p. 1256), relating to the issuance of pistol permits in certain counties classified on a population basis, so as to increase the issuance fee for pistol permits and to provide further for the disposition of such fees.

Senator Mitchell, Chairperson of the Standing Committee on Govern-

mental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Blakeney, Faulk, and White (F):

H. 323. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to \$25.00; to require annual renewal permit fees of \$25.00 for associations; to provide that annual renewal fees are payable for branch offices.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Notice and Proof):

S. 200. Relating to the City of Huntsville; to regulate further the election and terms of office of the mayor and city councilmen; and to provide that the provisions of this Act shall repeal and supersede the provisions of Section One of Act No. 738 of the 1971 Regular Session of the Legislature of Alabama, insofar as it applies to the City of Huntsville.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron (With Notice and Proof) (With Amendment):

S. 329. Relating to Madison County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Barron (With Notice and Proof):

S. 407. Relating to the portions of Madison, Jackson and DeKalb Counties which comprise State Senate District 8, so as to create an economic development committee and the position of comprehensive economic development coordinator and to provide for the duties, funding and compensation of said committee and coordinator.

By Senator Smith (B) (With Notice and Proof):

S. 552. To approve the proposal of the governing body of the City of Huntsville and the Board of Education of the City of Huntsville, relating to the special school taxes heretofore levied pursuant to Amendment No. 305 of the Constitution of Alabama of 1901, that the rate of said special school taxes be increased above the limit provided by said Amendment No. 305 so as to increase the total rate of ad valorem taxes to be levied and collected pursuant to Amendment No. 305 by 65¢ on each one hundred dollars worth of taxable property (6½ mills), making the total levy pursuant to Amendment No. 305, 11½ mills; providing for an election by the qualified electors of the City of Huntsville at a special election called and held in accordance

with law governing special elections; and providing for an effective date for this Act.

By Senator Smith (B) (With Notice and Proof):

S. 554. To authorize the governing body of the City of Huntsville in Madison County to regulate and permit the sale and consumption of alcoholic beverages upon the licensed premises of licensees of the Alabama Alcoholic Control Board and licensees of the City of Huntsville on Sunday; to provide that the provisions of this act are cumulative, and that the act shall not be held to repeal any other general or special act; and to provide an effective date for this act.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed at the end of the Regular Order Calendar for today, to-wit:

By Senator Cabaniss:

S. 137. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

By Senator Cabaniss (With Amendment):

S. 237. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

By Senators Bailey and Mitchell:

S. 110. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 127. To be known as "The Alabama Limited Partnership Act of 1983" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52; § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147, Code of Alabama (1975); and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (L):

H. 681. To amend § 34-23-116, Code of Alabama of 1975, relating to exemptions from the "Third Party Prescription Program Act" in Title 34, Chapter 23, Article 5, Code of Alabama of 1975, so as to provide for exemption of services reimbursed by non-profit corporations organized under Title 10, Chapter 4, Article 6, Code of Alabama of 1975, to establish and operate health care service plans.

Also:

By Rep. Holley:

H. 832. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may abolish or create a civil service system or other personnel board; to continue all rights, interest and privileges which certain employees have in any civil service or merit system within any such municipality; to prescribe that the provisions of this act shall be construed in pari materia with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 681. To the Committee on Health and Welfare.

H. B. 832. To the Committee on Governmental Affairs.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment.

By Reps. Hettinger and Albright:

H. 741. To reverse the numbers of House Districts 21 and 20 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session, 1983, approved February 23, 1983.

Also:

By Reps. McMillan, Turnham, Owens, Manley, Johnson (A.L.), Kvalheim, Waggoner, Penry, Brooks, Butler, Clark, Gaston, Adams, Rice, Moore, Cosby, Blakeney, Clikas, Carothers, Carter, Rains, White (L), Wright, Layton, Box, Ford, Harvey, Mathis, Johnson (R.G.), Stout, Flowers, Starr, Faulk, Venable, Harper, Minus, Grouby, Seibels, Junkins,

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Bennett, Zoghby, Campbell, White (F), Wilson, Hall, and Turner:

H. 506. To establish the Alabama teacher-of-the-year program; to direct the public's attention to the contributions made by all Alabama teachers; to authorize the State Department of Education to establish a selection process for the teacher-of-the-year program; to recognize the good qualities of all Alabama teachers by selecting a teacher-of-the-year.

Also:

By Reps. Wilson, Starr, Langford, and Flowers:

H. 329. Relating to the uniform commercial code; to amend Section 7-9-403, Code of Alabama 1975, to exempt mobile homes from being subject to the limitation of filing a continuation statement five years after filing a financing statement on a perfected security interest.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 741. To the Committee on Governmental Affairs.

H. B. 506. To the Committee on Education.

H. B. 329. To the Committee on Banking and Insurance.

**MOTION TO ADJOURN**

Senator Aldridge moved that when the Senate adjourns today, it adjourn to meet again on Thursday, July 14, 1983, at 11 o'clock A.M., which motion was adopted.

**BILLS ON THIRD READING**

The Bill:

S. 377. Relating to Mobile County; providing that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Mobile County; providing for permits or licenses, applications, forms and contents to operate bingo, providing for special permits or licenses, prohibiting certain activities and imposing special requirements; providing for fees and expenses; providing for the disposition of proceeds; providing for the operation of bingo; providing for the keeping of records and their inspection; providing for the issuance and revocation of permits or licenses; providing for supervision by the circuit court; providing for certain powers and duties of the sheriff; providing for penalties and forfeitures; and providing that this Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Mobile County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Mobile County, no further referendum is needed.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Boyington	Goodwin	Mitchell
Aldridge	Cooley	Hilliard	Parsons
Bachus	Corbett	Holmes	Proctor
Barron	deGraffenried	Kirkland	Smith (B)
Bedford	Dixon	Little	Smith (J)
Bedsole	Figures	Menton	Teague
Bishop	Foshee		

—25

*Nays:*

—0

The Bill:

S. 378. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Mobile County; and to provide that the provisions of this amendment shall be self-executing.

was read a third time at length as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Boyington	Goodwin	Mitchem
Aldridge	Cabaniss	Hilliard	Parsons
Amari	Covington	Holmes	Pearson
Bailey	deGraffenried	Keener	Proctor
Barron	Dixon	Little	Smith (B)
Bedsole	Figures	Menton	Teague
Bishop	Foshee		

—25

*Nays:*

—0

The Bill:

H. 726. Proposing an amendment to the Constitution of Alabama levying a certain sales and use tax paralleling state sales and use taxes in Randolph County for public building purposes which shall be pledged to retire a bond or warrant issue for such purposes with such sales tax terminating upon such retirement and diverting a portion of certain ad valorem taxes now earmarked for the public road and bridge fund and the county hospital until such bond or warrant issue is retired.

was taken up.

Senator Little offered the following substitute for the Bill, H. B. 726, to-wit:

### SUBSTITUTE FOR H. B. 726

#### A BILL TO BE ENTITLED AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to levy privilege, license and excise taxes paralleling the state sales and use taxes at the rate of one-half of one percent on gross proceeds of businesses made subject to the said taxes, (b)

to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (c) to pay four-tenths of the road, bridge and public building ad valorem tax authorized by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (d) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain County Facilities (as defined herein), to be secured by a pledge of (i) the said privilege, license and excise taxes authorized and directed by this Amendment to be levied by Randolph County, (ii) one-half of the said special ad valorem tax, and (iii) four-tenths of the special ad valorem tax authorized by Section 215 of the Constitution; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternate method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is hereby proposed:

“(A) As used in this Amendment, the following terms shall be given the following respective meanings:

“County” means Randolph County, Alabama.

“County Facilities” means (a) any land, building, equipment and any other facility or facilities necessary or useful in the housing, confinement, detention, feeding, treatment, rehabilitation and training of persons held in lawful custody, and (b) any land, building, equipment or other facility useful as a county courthouse building.

“County Facilities Building Fund” means the County Facilities Building Fund established herein for the purpose of receiving certain tax receipts required by the provisions hereof to be paid therein.

“Existing Ad Valorem Tax” means the two and one-half mill special ad valorem tax authorized to be levied by the County pursuant to Section 215 of the Constitution.

“Securities” means any bonds or warrants, including refunding bonds or warrants, issued by the County under the provisions of this Amendment.

“Special Ad Valorem Tax” means the special county hospital ad valorem tax authorized to be levied by the County pursuant to Amendment No. 72 to the Constitution.

“Special Sales Tax” means the special County privilege, license and excise taxes authorized and directed by this Amendment to be levied by the County on those engaged in the business of selling tangible personal property at retail and conducting places of amusement in the County and paralleling the State sales and use taxes.

“Special Taxes” means the Special Ad Valorem Tax, the Special Sales Tax, and the Existing Ad Valorem Tax.

(B) The County is hereby authorized and directed, within 60 days after the proclamation of the ratification of this Amendment, to levy and collect, or provide for the collection of special privilege, license and excise taxes on

those engaged in the business of selling tangible personal property and conducting places of amusement in the County at the rate of one-half of one percent (0.5%) of the gross receipts of the businesses made subject to the Special Sales Tax, which tax shall, to the fullest extent possible, parallel the sales and use taxes levied by the State. All revenues derived by the County from the levy of the Special Sales Tax, less the cost of collection of such revenues not to exceed 5% thereof to be paid to the Department of Revenue, shall be paid into the County Facilities Building Fund. The County shall discontinue the levy of the Special Sales Tax when all of the Securities issued hereunder shall have been paid in full, or when the County shall have expended the sum of \$1,500,000 out of the County Facilities Building Fund to pay costs of County Facilities, whichever shall last occur.

(C) The County is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes collected with respect to the tax year that began October 1, 1982, one-half of the tax receipts derived from the levy of the Special Ad Valorem Tax into the County Facilities Building Fund. The County shall discontinue paying such tax receipts into the County Facilities Building Fund when all of the Securities issued hereunder have been paid in full, or when the County shall have expended the sum of \$1,500,000 out of the County Facilities Building Fund to pay costs of County Facilities, whichever shall last occur.

(D) The County is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay four-tenths of the tax receipts derived by the County from the levy of the Existing Ad Valorem Tax into the County Facilities Building Fund. The County shall discontinue paying such tax receipts into the County Facilities Building Fund when all of the Securities issued hereunder have been paid in full, or when the County shall have expended the sum of \$1,500,000 out of the County Facilities Building Fund to pay costs of County Facilities, whichever shall last occur.

(E) The County is hereby authorized and directed to establish the County Facilities Building Fund for the purpose of receiving the moneys required to be paid therein by the provisions hereof. Funds on deposit in the County Facilities Building Fund shall be used to pay the costs of acquiring, providing, constructing and equipping new County Facilities, renovating, reconstructing, improving, enlarging or equipping any existing County Facilities or any combination thereof, up to an amount not exceeding \$1,500,000, and to pay principal of and interest and premium, if any, on Securities issued hereunder to finance County Facilities.

(F) The County is hereby authorized to sell and issue from time to time its Securities, not exceeding \$1,500,000 in aggregate principal amount, for the purpose of acquiring, providing, constructing and equipping new County Facilities, renovating, reconstructing, improving, enlarging or equipping any existing County Facilities or any combination thereof and to pledge for payment of the Securities the portions of the Special Taxes required to be paid into the County Facilities Building Fund.

For the purpose of refunding any Securities, including refunding Securities issued under the provisions of this Amendment, whether the refunding shall occur before, at or after the maturity of the Securities refunded and for the purpose of paying all premiums and expenses of the refunding (including attorneys' fees, costs of printing the refunding Securities, fiscal agents' fees, and accountants' fees), the County is hereby authorized to sell and issue from time to time refunding Securities in an aggregate principal



amount not exceeding the sum of (a) the outstanding principal amount of the Securities to be refunded, (b) the interest (accrued or to accrue) to the respective maturities of the Securities to be refunded, or if the Securities to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the Securities to be refunded to the date or dates on which they are to be called for redemption, (c) the amount of any redemption premium required, by the terms of the Securities, to be paid as a condition to their redemption prior to their respective maturities, and (d) the amount of any expenses (actual or estimated) of such refunding.

The Securities issued hereunder may but need not be general obligations of the County, but shall be secured by the portions of the Special Taxes pledged for their payment in the proceedings of the County where under the Securities are authorized to be issued and required to be paid into the County Facilities Building Fund.

All Securities issued under this Amendment may be in such form and denominations and of such tenor and maturities, may bear interest at such rate or rates, payable at such time or times, not exceeding thirty (30) years from their date, may be sold at public or private sale and may contain such provisions not inconsistent with this Amendment as shall be provided in the proceedings of the governing body of the County wherein such Securities are authorized to be issued. The power to levy the Special Sales Tax, to pay as required herein the portions of the Special Ad Valorem Tax and the Existing Ad Valorem Tax into the County Facilities Building Fund and the power to issue the Securities shall be in addition to all other powers which the County may have under this Constitution and the laws of Alabama. The indebtedness evidenced by the Securities issued under this Amendment shall be in addition to and shall not be charged against the limitation on the indebtedness of the County provided for in Section 224 of the Constitution.

(G) It is the intention hereof that the governing body of the County shall (a) levy the Special Sales Tax, and (b) pay one-half of the revenues from the Special Ad Valorem Tax and four-tenths of the revenues from the Existing Ad Valorem Tax (subject only to prior pledges of either thereof) as shall together be sufficient to provide funds to pay costs of County Facilities herein provided for, either directly or through payment of the principal of and interest (and premium, if any) on the Securities authorized to be issued hereunder, all to the end that adequate County Facilities will be available in the County. Proceeds of the Special Taxes that are not needed in any fiscal year to pay principal of and interest on Securities issued hereunder or to refund Securities shall be used to pay costs of constructing and maintaining the County Facilities herein provided for, or to purchase and retire Securities or call Securities for redemption prior to the maturity thereof.

(H) The provisions of this Amendment shall be self-executing, and authorization from or any other action by the Legislature shall not be a prerequisite to the issuance of the Securities hereunder or to the levy of the Special Taxes or the use of the proceeds of the Special Taxes as provided herein; provided, however, that the provisions of this Amendment shall not become operative unless approved by a majority of the qualified electors of Randolph County who vote thereon at a referendum election held for such purpose upon the call of the Randolph County Commission, and provided further, that if this amendment is approved by the qualified electors of Randolph County who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no further election need be called.

(I) It is hereby specifically declared that this Amendment is not being proposed pursuant to the provisions of that certain amendment to the Constitution (known as Amendment No. 425) that was proposed by Act No. 82-330 adopted at the 1982 Regular Session of the Legislature of Alabama, and provisions of the said Amendment 425 are hereby declared to be inapplicable.

Section 2. An election upon the proposed amendment is ordered to be held at the first statewide primary, general or special election after the expiration of three (3) months from the final adjournment of the session of the Legislature at which this bill is enacted. The election shall be held in accordance with the provisions of Section 284, as amended, and Section 285 of the Constitution of Alabama of 1901 and Title 17, Chapter 17, Code of Alabama of 1975.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in every county in the state for four successive weeks next preceding the day herein appointed, in a newspaper published in each such county; provided that in any county in which there may be no newspaper published, the proclamation shall be published by posting, for a period of not less than four consecutive weeks next preceding the day so appointed, a copy of the said proclamation at each courthouse in the said county. A newspaper shall be deemed to be published in a county, within the meaning of this section, if its principal editorial office is located in that county.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Hilliard	Parsons	
Amari	Cooley	Holmes	Pearson	
Bachus	Corbett	Keener	Proctor	
Bailey	Denton	Little	Smith (B)	
Bedford	Dixon	Mitchell	Smith (J)	
Bishop	Foshee	Mitchem	Teague	
Boyington	Harrison			—25

Nays: —0

And said Bill, H. B. 726, as thus amended by the substitute, was read a third time at length as required by the Constitution, and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Hilliard	Parsons	
Amari	Cooley	Holmes	Pearson	
Bachus	Corbett	Keener	Proctor	
Bailey	Denton	Little	Smith (B)	
Bedford	Dixon	Mitchell	Smith (J)	
Bishop	Foshee	Mitchem	Teague	
Boyington	Harrison			—25

Nays: —0

The Bill:

S. 503. Relating to Etowah County; providing for a county advisory

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referendum on the question if the superintendent of education shall be elected or appointed; providing for the conduct and holding of such election, and repealing the provisions of any acts which are in conflict with this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Harrison	Mitchem
Aldridge	Cooley	Hilliard	Pearson
Amari	Covington	Keener	Proctor
Bailey	deGraffenried	Little	Smith (B)
Barron	Denton	Menton	Smith (J)
Bedford	Figures	Mitchell	Teague
Bedsole	Goodwin		

—25

Nays:

—0

The Bill:

H. 112. To provide further for the procedure for redeeming lands sold for taxes in Escambia County; to transfer certain duties of the probate judge of such county relative to such redemptions to the tax collector of the county; to relieve the probate judge of such county of these duties; and to repeal conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Boyington	Goodwin	Mitchell
Aldridge	Cabaniss	Harrison	Mitchem
Bachus	Cooley	Hilliard	Pearson
Bailey	deGraffenried	Holmes	Proctor
Barron	Dixon	Kirkland	Smith (B)
Bedford	Figures	Little	Smith (J)
Bedsole	Foshee		

—25

Nays:

—0

The Bill:

H. 749. To authorize the Lee County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Barron	Corbett	Foshee
Aldridge	Bedford	deGraffenried	Goodwin
Amari	Bishop	Denton	Hilliard
Bailey	Boyington	Dixon	Holmes

Keener	Mitchem	Proctor	Smith (J)	
Little	Parsons	Smith (B)	Teague	
Mitchell	Pearson			—25

Nays: —0

The Bill:

H. 818. Relating to Tallapoosa County; amending Act No. 79-565, S. 200, 1979 Regular Session, which provides for a pistol permit fee in the county, so as to provide further for said fee.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Hilliard	Parsons	
Aldridge	Cooley	Holmes	Pearson	
Bachus	Covington	Keener	Proctor	
Barron	Denton	Little	Smith (B)	
Bedford	Dixon	Mitchell	Smith (J)	
Bishop	Figures	Mitchem	Teague	
Boyington	Goodwin			—25

Nays: —0

The Bill:

H. 830. Relating to Greene County; amending Section 1 of Act No. 376, H. 1040, Regular Session 1975 (Acts 1975, p. 926), relating to the creation, composition, appointment and terms of the Greene County Racing Commission, so as to provide that the Governor shall make such appointments and increases the term of office.

was read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining 1.

Yeas:

Senators:	Boyington	Goodwin	Mitchell	
Amari	Cabaniss	Hilliard	Mitchem	
Bachus	Cooley	Holmes	Parsons	
Bailey	Covington	Kirkland	Pearson	
Bedford	deGraffenried	Little	Smith (J)	
Bedsole	Denton	Menton	Teague	
Bishop	Foshee			—25

Nays: —0

Abstaining: Senator Robertson —1

## RECESS

At 2:27 P.M., on motion of Senator Keener, the Senate took a recess to return subject to the call of the Chair.

The recess period having expired, the Senate was called to order by President Pro Tempore Teague. A quorum of the Senate was present.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 116. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts, issued for delivery in this state, which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified counselor of this state.

and pending Committee amendment, which said amendment is set out in the Journal of the Senate for the Twenty-Fifth Legislative Day, was again taken up.

And said amendment was then adopted.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Cooley	Goodwin	Robertson	
Aldridge	Covington	Holmes	Smith (B)	
Bachus	deGraffenried	Keener	Smith (J)	
Barron	Denton	Little	Teague	
Bedford	Foshee	Parsons		—18

*Nays:* —0

And said Bill, S. B. 116, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 4.

*Yeas:*

Senators:	Cabaniss	Figures	Keener	
Aldridge	deGraffenried	Goodwin	Smith (B)	
Bachus	Denton	Harrison	Smith (J)	
Bedford	Dixon	Holmes	Teague	—15

*Nays:* Senators: Amari, Barron, Little, and Parsons —4

Senator deGraffenried moved that the Senate reconsider the vote by which the Bill, S. B. 116, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

**SPECIAL ORDER**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 163. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively, under the auspices of the state board of education; and to provide a method for funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect, under certain conditions, to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public

education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance.

Senator Dixon offered the following amendment to the Bill, H.B. 163, to-wit:

#### AMENDMENT TO H. B. 163

Section 6(1) Page (4) Lines (7) & (8)

"Delete in its entirety."

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 322. To provide for the confidentiality of circulation and registration records maintained by public school libraries, public libraries and college and university libraries; and to amend Section 36-12-40, Code of Alabama 1975, so as to provide for said exemption and to provide certain exceptions.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. McKee:

H. 587. To make an appropriation from the State General Fund for the relief of John W. Bailey who contracted Histoplasmosis in line of duty and was forced to retire from employment with the State of Alabama.

Also:

By Rep. Biddle:

H. 722. To provide for an advisory council to the designated state health planning and development agency; to specify the number and manner of selection of the members of the council; to provide for per diem and reimbursement for allowable expenses for the members of the council and special task forces; to specify the manner of selection of the chairman of the council; to provide for the appointment of special task forces to perform designated functions; to specify the frequency of the meetings of the council and to specify the number of members constituting a quorum for the transaction of business; to specify that the state health planning and development agency shall serve as the designated agency for the purpose of Section 1122 of the Social Security Act; to provide for the adoption, revision, etc., of rules, regulations, standards, etc. by the state health planning and development agency and appeals therefrom; to provide that the provisions of the Act are severable; to repeal stated portions of the Code of Alabama, 1975; to provide for the effective date of the Act.

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Also:

By Reps. Biddle and Sasser:

H. 355. To prohibit the landing of aircraft on public highways or streets, except in the case of an emergency situation as declared by the pilot of the airplane.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 587. To the Committee on Finance and Taxation.

H. B. 722. To the Committee on Health and Welfare.

H. B. 355. To the Committee on Commerce, Transportation, and Utilities.

**FURTHER CONSIDERATION OF H. B. 163**

The Senate proceeded to further consideration of the Bill, H. B. 163. The question was on the amendment offered by Senator Dixon.

On motion of Senator Dixon, his amendment was laid on the table.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 131. To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to provide further for such offenses and penalties.

Also:

S. 376. To amend Section 2-31-4 which sets up bond requirements for grain dealers; to require that a grain dealer's bond shall be based upon 10% of the aggregate dollar amount paid by dealers to producers during the 12-month period ending within 30 days from the time the dealer applies to be licensed; to require that persons that have been a grain dealer for less than one year must file the minimum bond allowed; to require that the bond is applicable for each separate location; to require that the bond required shall be no less than \$25,000 nor more than \$100,000 for each separate location.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 112. To provide further for the procedure for redeeming lands sold for taxes in Escambia County; to transfer certain duties of the probate judge of such county relative to such redemptions to the tax collector of the

county; to relieve the probate judge of such county of these duties; and to repeal conflicting laws.

Also:

H. 749. To authorize the Lee County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 818. Relating to Tallapoosa County; amending Act No. 79-565, S. 200, 1979 Regular Session, which provides for a pistol permit fee in the county, so as to provide further for said fee.

Also:

H. 830. Relating to Greene County; amending Section 1 of Act No. 376, H. 1040, Regular Session 1975 (Acts 1975, p. 926), relating to the creation, composition, appointment and terms of the Greene County Racing Commission, so as to provide that the Governor shall make such appointments and increases the term of office.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### BILLS RE-REFERRED

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee, in session, had acted on the following Bills, H. B.'s 184, 185, and 183, and ordered same returned to the Senate with the recommendation that they be re-referred to another Committee.

And the President Pro Tempore of the Senate ordered said Bills, H. B.'s 184, 185, and 183, re-referred to the Standing Committee on Local Legislation No. 3.

### FURTHER CONSIDERATION OF H. B. 163

The Senate proceeded to further consideration of the Bill, H. B. 163.

Senator Robertson offered the following amendment to the Bill, H. B. 163, to-wit:

### AMENDMENT TO H. B. 163

In section 7(2), page 4, line 35 insert after, "all qualified insurers" insert the words, "as determined by the Commissioners of Insurance, State of Alabama."



**RESOLUTION**

Senators Bedford and Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 263. HONORING AND DESIGNATING LANCE QUALMANN, A MEMBER OF JACK ZORN'S NATIONAL LADS TO LEADERS SPEAKER TEAM, AN ALABAMA AMBASSADOR OF GOODWILL.

WHEREAS, Lance Qualmann is an ideal young American teenager; and

WHEREAS, Lance Qualmann has adopted the ten Lads to Leaders pledges; and

WHEREAS, Lance Qualmann has demonstrated remarkable intellectual ability by memorizing and quoting the entire Sermon on the Mount from Jesus; and

WHEREAS, Lance Qualmann has spoken in Montgomery, Childersburg, Tallassee and Luverne, before the Maxwell Air Force Chaplain School, and on WSFA and WCOV Television; and

WHEREAS, Lance Qualmann has been trained to be a goodwill ambassador for Alabama through Lads to Leaders; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby appoint Lance Qualmann an official Ambassador of Goodwill on behalf of the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

**FURTHER CONSIDERATION OF H. B. 163**

The Senate proceeded to further consideration of the Bill, H. B. 163. The question was on the amendment offered by Senator Robertson.

On motion of Senator Keener, said amendment was laid on the table.

Senator deGraffenried offered the following amendment to the Bill, H. B. 163, to-wit:

**AMENDMENT TO H. B. 163**

Amend H. B. 163 as follows:

On page 9, in Section 14, insert a period after the word "deduction" on line 36.

On page 10, in Section 14, Delete all the language on lines 2 through 4.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Boyington	Harrison	Mitchem	
Aldridge	Cabaniss	Holmes	Proctor	
Bailey	deGraffenried	Keener	Smith (B)	
Bedford	Denton	Little	Smith (J)	
Bedsale	Goodwin	Mitchell	Teague	—19

Nays:

—0

Senator deGraffenried then offered the following amendment to the Bill, H. B. 163, as amended, to-wit:

### AMENDMENT TO H. B. 163, AS AMENDED

Amend H. B. 163 in Section 1, page 2, sub-section (2) on line 10 by striking the semicolon after the word "education" and adding a period. After the period, add the following:

"All retired employees of post-secondary institutions shall be eligible to participate under provisions of this Act."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Little	Robertson
Bailey	Goodwin	Mitchell	Smith (B)
Bedsole	Harrison	Mitchem	Smith (J)
Boyington	Holmes	Parsons	Teague
Cabaniss	Keener	Proctor	

—18

Nays: —0

Senator Smith (B) offered the following amendment to the Bill, H. B. 163, as amended, to-wit:

### AMENDMENT TO H. B. 163, AS AMENDED

In Section 8(6), Page 7, Line 23, after word "Fund".

The custodian of the fund will make separate accounting of those funds appropriated for employees that select the basic medical coverage and those employees which elect the optional coverages such as Cancer, Hospital Indemnity, Surgical and Dental insurance. These funds shall not be commingled.

On motion of Senator Keener, said amendment was laid on the table.

Senator Cabaniss offered the following amendment to the Bill, H. B. 163, as amended, to-wit:

### AMENDMENT TO H. B. 163, AS AMENDED

Amend House Bill No. 163 Page 9 Line 24 & 25, by striking out participation, once elected, is irrevocable.

On motion of Senator Keener, said amendment was laid on the table.

Yeas 14; Nays 10.

Yeas:

Senators:	Corbett	Harrison	Parsons
Aldridge	deGraffenried	Holmes	Smith (J)
Bailey	Figures	Keener	Teague
Bishop	Foshee	Kirkland	

—14

Nays:

Senators:	Bedsole	Dixon	Robertson
Barron	Boyington	Goodwin	Smith (B)
Bedford	Cabaniss	Mitchem	

—10

**REPORT OF COMMITTEE ON RULES**

Mr. President Pro Tem:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 65. To amend Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

Also:

S. 68. To amend Section 41-16-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewal entered into by municipalities and/or counties for sanitation services; and to clarify the exemption relating to the expenditure of funds by utility systems for supplies or materials.

Also:

S. 119. To be known as "The Revised Alabama Professional Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975, as amended, providing for: application of business corporation act and short title, application of business corporation act and nonprofit corporation act, definitions, purposes, applicability, general powers, rendering professional services, corporate name, issuance and transfer of shares and share certificates, death or disqualification of a shareholder, liability, professional relationships including privileged communications, voting trusts, directors and officers, amendments to articles of incorporation, merger and consolidation, involuntary dissolution at request of licensing authority, admission of foreign professional corporations, revocation of certificate of authority, annual report of domestic and foreign professional corporations, interrogatories by licensing authority, penalties and remedies, regulation of professional corporations, application to existing corporations; repealing Article 11 of Chapter 4, Title 10, Code of Alabama (1975); amending Section 10-10-2, Code of Alabama (1975); and providing that Title 10, Article 10, Code of Alabama shall only apply to unincorporated associations organized before the effective date of this Act.

Also:

S. 127. To be known as "The Alabama Limited Partnership Act of 1983" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52; § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147, Code of Alabama (1975); and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

Also:

S. 369. To establish the Senior Citizens Hall of Fame for the purpose of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

Also:

S. 373. The purpose of this bill is to amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

CHARLES BISHOP,  
Chairperson.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### RESOLUTIONS

Senator Hilliard offered the following Senate Resolutions, to-wit:

S. R. 264. COMMENDING MR. JIMMY BLUE OF THE PRATT CITY COMMUNITY.

Also:

S. R. 265. COMMENDING MRS. JIMMY BLUE OF THE PRATT CITY COMMUNITY.

Also:

S. R. 266. COMMENDING DR. EDDIE BLAKENSHIP OF THE PRATT CITY COMMUNITY.

Also:

S. R. 267. COMMENDING BERNICE WASHINGTON OF THE PRATT CITY COMMUNITY.

Which were adopted.

### FURTHER CONSIDERATION OF H. B. 163

The Senate proceeded to further consideration of the Bill, H. B. 163, as amended.

And said Bill, H. B. 163, as thus amended, was read a third time at length and passed.

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Yeas 27; Nays 2.

Abstaining 1.

*Yeas:*

Senators:	Covington	Hilliard	Parsons
Aldridge	deGraffenried	Holmes	Pearson
Bachus	Denton	Keener	Proctor
Barron	Dixon	Kirkland	Robertson
Bedsole	Figures	Menton	Smith (B)
Bishop	Foshee	Mitchell	Smith (J)
Corbett	Harrison	Mitchem	Teague

—27

*Nays:* Senators: Cabaniss and Goodwin —2

*Abstaining:* Senator Boyington —1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 246. To provide that a Restitution Order in a criminal case be a Final Judgment and have all of the force and effect of a Final Judgment in a civil action under the laws of the State of Alabama; to provide that the victim of a crime to whose benefit restitution is ordered, or anyone acting on behalf of said victim, shall have all of the rights and remedies granted a plaintiff in a civil action under the laws of this state together with any other right or remedy pertaining to restitution orders in criminal codes.

Also:

H. 726. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to levy privilege, license and excise taxes paralleling the state sales and use taxes at the rate of one-half of one percent on gross proceeds of businesses made subject to the said taxes, (b) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (c) to pay four-tenths of the road, bridge and public building ad valorem tax authorized by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (d) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain County Facilities (as defined herein), to be secured by a pledge of (i) the said privilege, license and excise taxes authorized and directed by this Amendment to be levied by Randolph County, (ii) one-half of the said special ad valorem tax, and (iii) four-tenths of the special ad valorem tax authorized by Section 215 of the Constitution; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternate method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

JOHN W. PEMBERTON,  
Clerk.

**POINT OF PERSONAL PRIVILEGE**

Senators Cooley, Bailey, and Bedford requested that the Journal show that had they been present when the vote was taken on the Bill, H. B. 163, as amended, they would have voted "Aye".

**BILL RECONSIDERED**

On motion of Senator Kirkland, the Senate reconsidered the vote by which the Bill, H. B. 163, as amended, was passed.

And said Bill, H. B. 163, as amended, was again read a third time at length and passed.

Yeas 28; Nays 2.

*Yeas:*

Senators:	Boyington	Figures	Mitchem
Aldridge	Cooley	Foshee	Pearson
Bachus	Corbett	Harrison	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Keener	Smith (B)
Bedford	Denton	Kirkland	Smith (J)
Bedsole	Dixon	Menton	Teague
Bishop			

—28

*Nays:* Senators: Cabaniss and Goodwin

—2

**BILLS ON THIRD READING RESUMED**

The Bill:

H. 517. To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following amendment to the Bill, H. B. 517, to-wit:

**COMMITTEE AMENDMENT TO H. B. 517**

Amend H. B. 517, Section 1, page 1, lines 24 through 32, by deleting the following:

Trailers, when used in a truck tractor-semitrailer-trailer combination may be operated on the national system of interstate and defense highways, all highways with four or more lanes, and all two-lane primary highways of this state except those demonstrated by the Highway Director to be unsafe for this equipment. The Highway Director shall, as a minimum, designate those highways necessary to cause the State of Alabama to be in compliance with Federal Laws.

and insert in lieu thereof the following:

"Trailers, when used in a truck tractor-semitrailer-trailer combination may be operated on the national system of interstate and defense highways, highways with four or more lanes and other highways designated by the Highway Director. The Highway Director shall, as a minimum, designate those highways necessary to cause the State of Alabama to be in compliance

with Federal Laws. Additionally, the Highway Director shall designate such highways of this state as may be necessary for use of twin trailers when such highways are needed for the delivery of twin trailers manufactured by Alabama firms."

Further amend Section 2, subsection (1), page 2, line 35, after the word and figures, "fenders.", by inserting the following:

"No vehicle hauling forest products or culvert pipe on any highway in this state shall have a load exceeding 102 inches in width."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Menton
Aldridge	Covington	Harrison	Mitchem
Bachus	deGraffenried	Holmes	Robertson
Bailey	Denton	Keener	Smith (B)
Barron	Dixon	Kirkland	Smith (J)
Boyington	Figures	Little	Teague
Cabaniss	Foshee		

—25

Nays: —0

And said Bill, H. B. 517, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 3.

Yeas:

Senators:	Cabaniss	Figures	Menton
Aldridge	Cooley	Foshee	Mitchem
Bachus	Covington	Goodwin	Parsons
Bailey	deGraffenried	Holmes	Smith (B)
Barron	Denton	Kirkland	Smith (J)
Boyington	Dixon	Little	Teague

—23

Nays: Senators: Corbett, Harrison, and Robertson —3

The Bill:

S. 153. To amend Sections 13A-12-170 and 13A-12-171, Code of Alabama 1975, relating to the display and distribution of pornography to minors, in order to further define and prohibit the display, distribution and exhibition of pornography to minors; to specify the cases these amendments apply to; to provide that the provisions of this act are severable, and to provide an effective date.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 153, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 153

Amend Senate Bill 153, on Page 5, Line 7 by adding after the word "the" the words "content of the".

Further amend on Line 16, after the word "display" by inserting the words "for sale".

Further amend on lines 22 and 25 by deleting the word "general" and inserting in lieu thereof the word "genital".

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Senators:	Corbett	Foshee	Menton
Aldridge	Covington	Goodwin	Mitchell
Bachus	deGraffenried	Harrison	Parsons
Bailey	Denton	Holmes	Proctor
Boyington	Dixon	Kirkland	Smith (J)
Cabaniss	Figures	Little	Teague
Cooley			

—24

*Nays:*

—0

The Standing Committee on Judiciary then reported the following amendment to the Bill, S. B. 153, as amended, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 153, AS AMENDED

Amend Senate Bill 153, Page 3, by deleting lines 30, 31, 32 and 33 in their entirety.

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Senators:	Cooley	Goodwin	Mitchell
Aldridge	Corbett	Harrison	Parsons
Bachus	deGraffenried	Holmes	Proctor
Bailey	Denton	Kirkland	Robertson
Bedford	Dixon	Little	Smith (J)
Boyington	Foshee	Menton	Teague
Cabaniss			

—24

*Nays:*

—0

And said Bill, S. B. 153, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Mitchell
Aldridge	Cooley	Harrison	Mitchem
Bachus	Corbett	Holmes	Parsons
Bailey	deGraffenried	Keener	Proctor
Bedford	Denton	Kirkland	Robertson
Bedsole	Dixon	Little	Smith (J)
Bishop	Figures	Menton	Teague
Boyington	Foshee		

—29

*Nays:*

—0

Senator Proctor requested and received permission to suspend the



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Rules in order to bring up the Bill:

H. 142. To amend Act 82-328 to conform with other states in the Southeast Interstate Low-Level Radioactive Waste Management Compact and to change the effective date.

And said Bill, H. B. 142, was read a third time at length and passed.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Cabaniss	Foshee	Little	
Bachus	Cooley	Goodwin	Menton	
Bedford	Corbett	Harrison	Mitchell	
Bedsole	deGraffenried	Holmes	Proctor	
Boyington	Dixon	Kirkland	Smith (J)	—19

*Nays:* —0

The Bill:

S. 443. To amend Sections 41-16-51 and 41-16-57, Code of Alabama 1975, as amended, so as to exempt from the requirements of competitive bidding, and to exempt from the limitations on the maximum duration of contracts for the purchase of personal property or contractual services, any agreement, heretofore or hereafter entered into, between any governmental entity or instrumentality thereof, whose contracts are governed by the provisions of Title 41, Chapter 16, Article 3 of Code of Alabama 1975, as amended, and any other party or parties pursuant to which such other party or parties shall provide water, sewer, sewage treatment, sewage disposal, solid waste disposal, resource recovery, wastewater treatment, pollution control or jail or criminal detention services to or for the benefit of such governmental entity or instrumentality under circumstances in which such other party shall provide facilities used in the provision of such services to or for the benefit of such governmental entity or instrumentality in lieu of provision of such facilities by such governmental entity or instrumentality.

having been postponed on the Twenty-Fifth Legislative Day, was again taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 443, to-wit:

**COMMITTEE AMENDMENT TO S. B. 443**

Amend Senate Bill 443 as follows:

In the synopsis, page 1, line 25, strike the period "." and insert in lieu thereof a semi-colon ";", and add the following language: "and to clarify the exemption relating to the expenditure of funds by utility systems for supplies or materials."

Further amend Senate Bill 443 in the title, page 2, line 10, by striking the period "." and inserting in lieu thereof a semi-colon ";", and adding the following language: "and to clarify the exemption relating to the expenditure of funds by utility systems for supplies or materials."

Further amend Senate Bill 443, page 3 by striking lines 34 and 35 in their entirety and inserting in lieu thereof the following language: "(7) The purchase of supplies or materials needed, used and consumed in the normal, routine and customary operation of any waterworks system,"

Which was adopted.

Yeas 15; Nays 1.

*Yeas:*

Senators:	Bedsole	Denton	Little	
Aldridge	Boyington	Foshee	Parsons	
Bailey	Corbett	Holmes	Robertson	
Bedford	deGraffenried	Kirkland	Smith (J)	—15

*Nay:* Senator Cabaniss —1

And said Bill, S. B. 443, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 5.

*Yeas:*

Senators:	Corbett	Foshee	Mitchem	
Aldridge	Covington	Goodwin	Parsons	
Bailey	deGraffenried	Holmes	Robertson	
Bedsole	Denton	Kirkland	Smith (J)	
Boyington	Dixon	Menton	Teague	
Cooley				—20

*Nays:*

Senators:	Bedford	Little	Mitchell	
Bachus	Cabaniss			—5

## RESOLUTIONS

Senator Figures offered the following Senate Joint Resolution, to-wit:

S. J. R. 268. COMMENDING MRS. LONIA M. GILL UPON HER RETIREMENT AS EXECUTIVE SECRETARY OF THE WOMAN'S HOME AND OVERSEAS MISSIONARY SOCIETY OF THE A.M.E. ZION DENOMINATION.

WHEREAS, Mrs. Lonia M. Gill has served for the past eight years as executive secretary of the Woman's Home and Overseas Missionary Society of the A.M.E. Zion denomination; and

WHEREAS, she was first elected in 1975 to the full-time salaried position with the 1.5 million member women's international organization; she was re-elected in 1979, and is now ineligible for a third term; and

WHEREAS, prior to her acceptance of the position as the organization's top officer, Mrs. Gill was director of community development for the City of Prichard and had previously been a teacher with the Mobile County Public Schools; and

WHEREAS, during her eight years in office, Mrs. Gill has traveled throughout the United States and in both Guyana and the Bahamas; her responsibilities also have included accountability for all monies of the women's organization as well as the duty of planning all programs for conventions; and

WHEREAS, Mrs. Gill, who is a native of Whistler, is a member of Pilgrim Rest A.M.E. Zion Church of that community; her husband, the Reverend T. C. Gill, is presiding elder of the Jackson A.M.E. Zion District and is

charged with overseeing the work of 16 churches in Mobile, Washington and Clarke Counties; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly praise Mrs. Lonia M. Gill of Whistler, Alabama, for outstanding service to the A.M.E. Zion Church, and direct that she receive a copy of this resolution, tendered in utmost commendation and regard of her accomplishments.

On motion of Senator Figures, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Menton offered the following Senate Resolution, to-wit:

S. R. 269. COMMENDING JIMMY GREEN, JR., BAYOU LA BATRE GOLF CHAMPION.

Which was adopted.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 575. To amend Section 25-5-50, Code of Alabama 1975, which provides for exemptions from coverage under Workmen's Compensation, so as to provide that corporate officers may elect to be exempt from coverage. was taken up.

The Standing Committee on Business and Labor Relations reported the following amendment to the Bill, H. B. 575, to-wit:

### COMMITTEE AMENDMENT TO H. B. 575

Amend House Amendment on page 1, line 6 by deleting the number "32" and adding in lieu thereof the number "31".

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Boyington	Dixon	Little	
Aldridge	Cabaniss	Goodwin	Mitchell	
Bachus	Cooley	Harrison	Parsons	
Bedford	Corbett	Holmes	Smith (J)	
Bedsole	Denton	Kirkland	Teague	—19

Nays: —0

And said Bill, H. B. 575, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 1.

Yeas:

Senators:	Boyington	Goodwin	Menton	
Aldridge	Cabaniss	Harrison	Mitchell	
Bachus	Cooley	Hilliard	Mitchem	
Bailey	Denton	Holmes	Smith (J)	
Bedford	Dixon	Kirkland	Teague	
Bedsole	Foshee	Little		—22

Nay: Senator Corbett —1

The Bill:

S. 438. To amend Section 13A-11-74, Code of Alabama 1975, relating to possession of unlicensed concealed weapons, so as to permit district attorneys and assistant district attorneys to carry said weapons.

was taken up.

Senator Kirkland offered the following amendment to the Bill, S. B. 438, to-wit:

#### AMENDMENT TO S. B. 438

Amend S. B. No. 438 on Page 1, line 28, by striking the word "and" and inserting a "comma".

Further amend Page 1, line 29 by adding "and supernumerary district attorneys" after the word "attorneys".

Which was adopted.

Yeas 10; nays 7.

Yeas:

Senators:	Cooley	Harrison	Robertson	
Aldridge	Denton	Kirkland	Teague	
Bedsole	Goodwin	Parsons		—10

Nays:

Senators:	Bedford	Dixon	Little	
Bachus	Cabaniss	Holmes	Mitchem	—7

And said Bill, S. B. 438, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 7.

Yeas:

Senators:	Denton	Mitchell	Smith (B)	
Aldridge	Goodwin	Parsons	Smith (J)	
Bedsole	Harrison	Robertson	Teague	
Cooley	Kirkland			—13

Nays:

Senators:	Bedford	Corbett	Holmes	
Bailey	Cabaniss	Dixon	Little	—7

#### RECESS

At 5:50 P.M., on motion of Senator Kirkland, the Senate took a recess until 8:15 P.M.

The recess period having expired, the Senate was called to order by President Pro Tempore Teague. A quorum of the Senate was present.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 126. To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at

an industry, so as to provide for the least economic disruption to such workers and their creditors.

was taken up.

Senator Parsons offered the following substitute for the Bill, H. B. 126, to-wit:

**SUBSTITUTE FOR H. B. 126**

**A BILL  
TO BE ENTITLED  
AN ACT**

To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at an industry, so as to provide for the least economic disruption to such workers and their creditors.

Be It Enacted by the Legislature of Alabama:

Section One. In order to assist employees who become unemployed or underemployed as the result of a substantial lay-off at or the closing of any plant or industry in Alabama, the Commissioner of Labor is hereby directed to establish a procedure to provide such unemployed or underemployed employees with seminars concerning their legal rights and responsibilities regarding their debts, to provide written material which deals with these problems and offers appropriate suggestions to such workers and to meet with management at such plants or industries and with labor organizations or other organizations including such employees in an attempt to minimize the financial burden on such employees.

Section Two. The Commissioner of Labor is authorized to assist and organize co-operative efforts of such employees or groups to which such employees belong in an effort to minimize the adverse impact of such plant or industry layoff or closing upon such employees and the Commissioner of Labor is further directed and authorized, to the extent he deems advisable, to engage in whatever other acts or agreements which are appropriate to assist financially such employees and groups made up of such employees, provided that the Commissioner of Labor is not authorized to require any employer or employee group to involuntarily contribute to a fund or involuntarily take any other action towards such a goal.

Section Three. If deemed advisable by the Commissioner of Labor, the Commissioner of Labor shall assist a plant or industry which closes or has a substantial layoff in endeavoring to communicate with the creditors of its unemployed workers concerning the financial difficulty caused to its ex-employees by such layoff or closing. If there is a substantial layoff at a plant or industry or if there is a closing of a plant or industry and if a state chartered credit union includes within its field of membership the employees of such plant or industry, then the Board of Directors of such state chartered credit union shall determine whether such layoff or closing has adversely affected the credit union. If the Board of Directors determines that such layoff or closing has adversely affected the credit union, then such credit union may include within its field of membership persons residing in the general geographic areas surrounding the plants or industries served by such credit union. Any such expansion of the field of membership of such credit union shall not be denied or restricted by any provisions of the law of Alabama heretofore enacted. Any such credit union shall endeavor to assist all such unemployed members by granting them extended periods within

which to pay indebtedness owed to the credit union, to the extent deemed advisable by its Board of Directors.

**Section Four.** In order to stabilize the share and deposit base of credit unions which may or could be affected by plant or industry closings or by substantial lay-offs, any credit union which includes in its field of membership employees of any particular company or companies shall be authorized to accept shares and deposits from such company or companies, subject to such terms and conditions as the Board of Directors of the Credit Union may establish, and such company or companies may become a member of the Credit Union, subject to such terms and conditions as the Board of Directors of the credit union may establish.

**Section Five.** The Commissioner of Labor is further directed and authorized to issue regulations, to the extent he deems advisable, concerning the instances in which employees at plants or industries which have been closed or have been the subject of substantial lay-offs and organizations which include employees of such plants or industries may make appropriate disclosures of the financial situation of such employees and may assist the creditors of such workers in locating them and in arranging voluntary payment plans for their debts; provided however that nothing contained in this Act shall be construed so as to authorize any activity which violates any federal act or regulation.

**Section Six.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section Seven.** The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section Eight.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 1.

*Yeas:*

Senators:	Cabaniss	Dixon	Robertson	
Aldridge	Cooley	Kirkland	Smith (B)	
Amari	Corbett	Little	Smith (J)	
Bedford	Covington	Mitchell	Teague	
Bedsole	Denton	Parsons		—18

*Nay:* Senator Bailey —1

And said Bill, H. B. 126, as thus amended by the substitute, was read a third time at length and passed.

Yeas 20; Nays 1.

*Yeas:*

Senators:	Corbett	Goodwin	Parsons	
Aldridge	Covington	Harrison	Robertson	
Amari	deGraffenried	Kirkland	Smith (B)	
Bedford	Denton	Little	Smith (J)	
Cabaniss	Dixon	Mitchell	Teague	
Cooley				—20

Nay: Senator Bailey

—1

The Bill:

S. 532. To amend Sections 40-17-130, 40-17-131 and 40-17-132 of the State of Alabama 1975, relating to gasohol so as to define the term "alcohol blended fuel" and provide for said motor fuel the same tax exemptions extended to gasohol.

was taken up.

Senator deGraffenried offered the following substitute for the Bill, S. B. 532, to-wit:

**SUBSTITUTE FOR S. B. 532**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Sections 40-17-130, 40-17-131 and 40-17-132 of the State of Alabama 1975, relating to gasohol so as to define the term "alcohol blended fuel" and provide for said motor fuel the same tax exemptions extended to gasohol.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-17-130 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-17-130.

"(a) 'Gasohol' as used in this division shall mean a motor fuel containing a minimum of 10 percent blend of ethyl alcohol of a purity of at least 99 percent denatured in conformity with one of the approved methods set forth by the U. S. department of the treasury, division of alcohol, tobacco and firearms and derived from agricultural or forest products or other renewable resources.

"(b) An 'alcohol blended fuel' as used in this act shall mean a motor fuel containing a minimum of nine percent by volume of a mixture whose major constituent is methyl alcohol.

Section 2. Section 40-17-131 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-17-131.

"It is the express intent of this legislature to promote the conservation of the state's petroleum resources and to encourage the usage of alternative fuels for motor vehicles in this state. In order to accomplish the intent herein expressed, and to provide an incentive for those individuals who participate in such a conservation effort, there shall be a reduced rate of excise tax on the motor fuel 'gasohol' and alcohol blended fuel as hereinafter provided."

Section 3. Section 40-17-132 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-17-132.

"Notwithstanding the other provisions of this chapter, the amount of excise tax on gasohol and alcohol blended fuel shall be three cents per gal-

lon less than gasoline. The reduced rate of taxation granted by this section for gasohol and alcohol blended fuel shall also apply to gasohol and alcohol blended fuel manufactured or distilled in another state, if that state reduces the rate of taxation or exempts from its motor fuel tax gasohol or alcohol blended fuel manufactured or distilled within the state of Alabama. For all other purposes other than the amount of excise tax, the term 'gasohol' or alcohol blended fuel shall be included within the term 'gasoline' as defined in section 40-17-30."

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act are supplemental and shall not be construed to repeal any law not in direct conflict herewith.

Section 6. This act shall become effective January 1, 1984, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Bishop	Denton	Little
Aldridge	Boyington	Dixon	Mitchell
Amari	Cabaniss	Foshee	Mitchem
Bachus	Cooley	Goodwin	Robertson
Bailey	Corbett	Harrison	Smith (J)
Bedford	Covington	Holmes	Teague
Bedsole	deGraffenried	Kirkland	

—26

Nays:

—0

And said Bill, S. B. 532, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	Bishop	Denton	Mitchem
Aldridge	Boyington	Dixon	Parsons
Amari	Cabaniss	Goodwin	Robertson
Bachus	Cooley	Harrison	Smith (B)
Bailey	Covington	Little	Smith (J)
Barron	deGraffenried	Mitchell	Teague
Bedford			

—24

Nays:

—0

The Bill:

S. 158. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft and to prescribe felony punishment for such acts.

was read a third time at length and passed, and ordered sent forthwith to



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the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Boyington	Goodwin	Mitchem	
Aldridge	Cabaniss	Harrison	Parsons	
Bachus	Cooley	Holmes	Robertson	
Bailey	Corbett	Little	Smith (B)	
Bedford	deGraffenried	Menton	Smith (J)	
Bedsole	Denton	Mitchell	Teague	
Bishop	Dixon			—25

*Nays:* —0

The Bill:

S. 330. To permit, upon proper application and approval by the adjutant general of the Alabama National Guard, any eligible veteran to have a ceremonial funeral with honor guard furnished by the Alabama National Guard personnel.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Senators:	Bishop	Dixon	Mitchell	
Aldridge	Boyington	Goodwin	Parsons	
Bachus	Cabaniss	Harrison	Robertson	
Bailey	Cooley	Holmes	Smith (B)	
Barron	Covington	Little	Smith (J)	
Bedford	Denton	Menton	Teague	
Bedsole				—24

*Nays:* —0

The Bill:

S. 259. To amend Section 31-6-4, Code of Alabama 1975, which provides for educational benefits for children of deceased or disabled veterans, so as to provide further for the definition of disabled veterans.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Boyington	Goodwin	Mitchem	
Aldridge	Cabaniss	Harrison	Parsons	
Bachus	Cooley	Holmes	Robertson	
Barron	Corbett	Little	Smith (B)	
Bedford	Covington	Menton	Smith (J)	
Bedsole	Denton	Mitchell	Teague	
Bishop	Dixon			—25

*Nays:* —0

**The Bill:**

S. 364. To amend Section 32-6-130 of the Code of Alabama 1975, relating to special license plates for certain disabled veterans, so as to exempt motor vehicles qualifying for such plates from ad valorem taxes.

was taken up.

Senator Boyington offered the following amendment to the Bill, S. B. 364, to-wit:

**AMENDMENT TO S. B. 364**

Amend S. B. 364 as follows:

On page 1, line 12, strike the words "exceeding fifty percent (50%)," and insert in lieu thereof the following words "of fifty percent (50%) or greater,"

Further amend S. B. 364 as follows:

On page 1, line 32, after the word disability strike the words "exceeds 50 percent" and insert in lieu thereof the words "is 50 percent or greater,"

Which was adopted.

Yeas 23; Nays 0.

**Yeas:**

<b>Senators:</b>	Bedsole	Dixon	Mitchem	
Aldridge	Bishop	Goodwin	Parsons	
Bachus	Cabaniss	Harrison	Robertson	
Bailey	Cooley	Holmes	Smith (B)	
Barron	Covington	Little	Smith (J)	
Bedford	Denton	Mitchell	Teague	—23

**Nays:**

—0

And said Bill, S. B. 364, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

**Yeas:**

<b>Senators:</b>	Cabaniss	Goodwin	Parsons	
Aldridge	Cooley	Holmes	Robertson	
Bedford	Corbett	Little	Smith (B)	
Bedsole	Covington	Menton	Smith (J)	
Bishop	Denton	Mitchell	Teague	
Boyington	Dixon			—21

**Nays:**

—0

**The Bill:**

S. 57. To exempt from all state, county, local or other ad valorem taxes all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 4.

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Yeas:

Senators:	Boyington	Goodwin	Parsons
Amari	Cabaniss	Harrison	Robertson
Bachus	Cooley	Little	Smith (B)
Bailey	Covington	Menton	Smith (J)
Bedsole	Denton	Mitchell	Teague
Bishop	Dixon	Mitchem	—22

Nays: Senators: Aldridge, Barron, Bedford, and Holmes —4

Senator Robertson moved that the Senate reconsider the vote by which the Bill, S. B. 57, was passed.

On motion of Senator Bedsole, the motion to reconsider was laid on the table.

The Bill:

S. 482. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

having been postponed on the Twenty-First Legislative Day, was again taken up.

On motion of Senator Bedsole, further consideration of the Bill, S. B. 482, was postponed subject to the call of the Chair.

The Bill:

S. 455. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination, with his consent, as the natural father of a child born thereof; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide that an action to determine paternity for the purposes of support may be brought at any time prior to the child's 19th birthday; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and

to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

as amended, which said amendment is set out in the Journal of the Senate for the Twenty-Fourth Legislative Day, was again taken up.

Senator Aldridge offered the following substitute for the Bill, S. B. 455, as amended, to-wit:

### **SUBSTITUTE FOR S. B. 455**

#### **A BILL TO BE ENTITLED AN ACT**

To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitation for paternity action under this act; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

#### **Section 1. Short Title.**

This Act shall be known and may be cited as the Alabama Uniform Parentage Act.

#### **Section 2. Parent and Child Relationship Defined.**

As used in this Act, the term "parent and child relationship" shall mean the legal relationship existing between a child and his natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties and obligations. It shall include the mother and child relationship and the father and child relationship.

#### **Section 3. Relationship Not Dependent Upon Marriage.**

The parent and child relationship shall extend equally to every child and to every parent, regardless of the marital status of the parents.

Section 4. Same; How Established.

The parent and child relationship may be established between a child and:

(1) The natural mother by proof of her having given birth to the child, or pursuant to the provisions of this Act;

(2) The natural father pursuant to this Act;

(3) An adoptive parent by proof of adoption or pursuant to the Revised Uniform Adoption Act.

Section 5. Presumption of Paternity.

(a) A man is presumed to be the natural father of a child if:

(1) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court;

(2) Before the child's birth he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and

a. If the attempted marriage may be declared invalid only by a court, the child is born during the attempted marriage, or within 300 days after the termination of the attempted marriage by death, annulment, declaration of invalidity, or divorce; or

b. If the attempted marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation;

(3) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with the law although the attempted marriage is or could be declared invalid, and

a. He has acknowledged his paternity of the child in writing, such writing being filed with the appropriate court or the Bureau of Vital Statistics; or

b. With his consent, he is named as the child's father on the child's birth certificate; or

c. He is otherwise obligated to support the child either under a written voluntary promise or by court order;

(4) While the child is under the age of majority, he receives the child into his home or otherwise openly holds out the child as his natural child; or

(5) He acknowledges his paternity of the child in a writing filed in accordance with provisions of the legitimation statute.

(b) A presumption of paternity under this section may be rebutted in an appropriate action only by clear and convincing evidence. In the event two or more conflicting presumptions arise, that which is founded upon the weightier considerations of public policy and logic, as evidenced by the facts, shall control. The presumption of paternity is rebutted by a court

decree establishing paternity of the child by another man.

**Section 6. Determination of Father and Child Relationship; Who May Bring Action; When Action May Be Brought.**

(a) A child, a child's natural mother, or a man presumed to be its father under paragraph (1), (2), or (3) of Section 5(a) of this Act, may bring an action within five years for the purpose of declaring the existence of the father and child relationship presumed under paragraph (1), (2), or (3) of Section 5(a) of this Act; or

(b) Any interested party may bring an action at any time for the purpose of determining the existence or non-existence of the father and child relationship presumed under Paragraph (4) or (5) of Section 5(a) of this Act.

(c) An action to determine the existence of the father and child relationship with respect to a child who has no presumed father under Section 5 may be brought by the child, the mother, or personal representative of the child, the public authority chargeable by law with support of the child, the personal representative or a parent of the mother if the mother has died, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor.

(d) If an action under this section is brought before the birth of the child, all proceedings shall be stayed until after the birth, except service of process and the taking of depositions to perpetuate testimony.

(e) If the child has been adopted, an action may not be brought.

**Section 7. Style of Proceedings; Prosecution of Proceedings.**

Actions commenced under this Act shall be in the name of the State of Alabama on relation of the complaining witness or party against the person claimed to be the father or against the person alleged to owe a duty of support as the defendant. The district attorney, special prosecutor or attorney otherwise authorized to represent the State of Alabama shall appear and prosecute all proceedings brought under this Act.

**Section 8. Limitations on Recovery.**

(a) The father's liabilities for past education and necessary support are limited to a period of one year next preceding the commencement of an enforcement action under this Act unless an order of support has been previously entered.

(b) An action to determine paternity for the purposes of obtaining support shall not be brought after the child attains age 19.

(c) The provisions of this section and Section 6 do not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship, or otherwise.

**Section 9. Civil Action; Paternity; Nonsupport.**

(a) An action under this Act is a civil action governed by the rules of civil procedure. The mother and child and the alleged father are competent to testify and may be compelled to testify. All of the provisions of Sections 12 and 13 of this Act, including those regarding evidence, expert testimony and blood tests, shall apply in actions brought under this Act. The action

brought may be joined with an action for divorce, annulment, separate maintenance or support.

(b) An action to determine paternity may be commenced upon the complaint of any female who is pregnant with or the mother of a child.

(c) An action to determine paternity may also be commenced upon the complaint of the child, the person having legal custody of the child or the representative of the public authority chargeable by law with the support of the child.

(d) A complaint for nonsupport of a child may be commenced by complaint by any party listed in subsections (b) and (c) of this section alleging sufficient facts that the defendant owes a duty of support, provided, that support payments have not been ordered previously pursuant to a decree of divorce. Upon a showing that the child is owed a duty of support by the defendant, such duty may be established pursuant to the requirements of Section 14 of this Act.

(e) In addition to the civil action for nonsupport provided by this section, applicable sections of the criminal code are available for enforcement of the child's right of support.

**Section 10. Jurisdiction; Venue; Process; Conduct of Hearing.**

(a) The causes of action provided by this Act shall be brought in the juvenile or family court division of the district or circuit court and wherever used in this Act the word "court" shall mean the juvenile or family court division of the district or circuit court and specifically shall include any district or circuit court judge otherwise sitting in one of these divisions.

(b) A defendant who resides in this state thereby submits to the jurisdiction of the courts of this state as to an action brought under this Act.

(c) A person who is a non-resident of this state and who has sexual intercourse in this state thereby submits to the jurisdiction of the courts of this state as to an action brought under this Act with respect to a child who may have been conceived by that act of sexual intercourse. Jurisdiction over a non-resident may be acquired only by personal service of summons outside this state or by certified mail with proof of actual receipt.

(d) A defendant who resides in this state thereby submits to the jurisdiction of the courts of this state as to a Uniform Reciprocal Enforcement of Support action filed in this state by an initiating state for the purpose of establishing paternity. If the defendant asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both parties are present at the hearing or if proof required in the case indicates the presence of either or both is not necessary, the court shall adjudicate the issue of paternity. The appropriate provisions of this Act shall apply to such actions. Upon determination of paternity or non-paternity, the appropriate sections of the Reciprocal State Enforcement of Duty to Support Act apply.

(e) The court shall retain jurisdiction of the cause for the purpose of entering such other and further orders as changing circumstances of the parties may in justice and equity require.

(f) The complaint for paternity or nonsupport shall be filed in the county in which the child resides or the county in which the defendant resides.

(g) Process directed to the defendant shall issue forthwith requiring the

defendant to file written pleadings to the complaint in the manner prescribed by appropriate court rules.

(h) The court in which the action originated shall determine both the law and the facts without the intervention of a jury. A trial by jury may be had only as provided under Section 20 of this Act.

#### Section 11. Parties.

The child may be made a party to the action. If the child is a minor he shall be represented by his general guardian or a guardian ad litem appointed by the court, if not otherwise represented by counsel. The child's mother or father may not represent the child as guardian or otherwise. The court may appoint the public authority chargeable by law with the support of the child as guardian ad litem for the child. The natural mother, each man presumed to be the father under the provisions of Section 5 of this Act, and each man alleged to be the natural father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard. The court may align the parties.

#### Section 12. Blood Tests; Selection of Experts; Admissibility; Compensation.

(a) Upon application of the defendant in a paternity proceeding or any other party to the action, the court shall order the mother, child and defendant to submit to one or more blood tests to assist the court in determining paternity of the child. No such blood test shall be taken before the child reaches the age of six months. Whenever the court orders any such blood test to be taken and any of the persons whose blood is to be taken refuses to submit to the test, such fact shall be disclosed upon the trial, unless good cause is shown for not doing so.

(b) Any tests shall be made by an expert qualified as an examiner of blood types who shall be approved by the court. The expert may be called by the court or any party as a witness to testify to the blood test results and shall be subject to cross-examination by the parties. The blood test results may be admitted into evidence by the defendant. The blood test results may be admitted into evidence by the state only if the statistical probability of the alleged father's paternity is available. Blood testing methods include, but are not limited to, the human leukocyte antigen test. If more than one blood test is performed and the results are conflicting, none of the blood test results shall be admissible as evidence of paternity or non-paternity.

(c) Compensation of each expert witness shall be paid as the court shall order. The court shall order said compensation to be paid prior to the administration of the blood test.

#### Section 13. Evidence Relating to Paternity.

(a) Evidence relating to paternity may include:

(1) Evidence of sexual intercourse between the mother and alleged father at any possible time of conception;

(2) An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy;

(3) Blood test results, weighed in accordance with evidence, if available, of the statistical probability of the alleged father's paternity;

(4) Medical or anthropological evidence relating to the alleged father's



paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; and,

(5) All other evidence relevant to the issue of paternity of the child.

(b) Upon refusal of any witness, including a party, to testify under oath or produce evidence, the court may order him to testify under oath and produce evidence concerning all relevant facts. If the refusal is upon the ground that his testimony or evidence might tend to incriminate him, the court shall grant him immunity from all criminal liability on account of the testimony or evidence he is required to produce. An order granting immunity bars prosecution of the witness for any offense shown in whole or in part by testimony or evidence he is required to produce, except for perjury committed in his testimony. The refusal of a witness, who has been granted immunity to obey an order to testify or produce evidence shall be punishable as a civil contempt of the court.

(c) In an action against an alleged father, evidence offered by the alleged father with respect to another man who is not subject to the jurisdiction of the court concerning his sexual intercourse with the mother at or about the probable time of conception of the child is admissible in evidence only if the alleged father has undergone and made available to the court blood tests the results of which do not exclude the possibility of the alleged father's paternity of the child. A man who is identified and is subject to the jurisdiction of the court shall be made a defendant in the action.

#### Section 14. Orders.

(a) The order of the court determining the existence or non-existence of the parent and child relationship is determinative for all purposes. Upon paternity being established, the court shall immediately determine support payments as the conclusion of the paternity hearing and make support payment determination a part of the order establishing paternity.

(b) The order of the court shall include a statement of fact of jurisdiction being acquired in situations of service obtained by out-of-state personal service or service obtained by out-of-state certified mail with proof of return receipt.

(c) If the order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued pursuant to the provisions of Section 19 of this Act.

(d) The order may contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody of the child or the furnishing of bond or other security for payment under the order. The order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.

(e) Support orders ordinarily shall be for periodic payments which may vary in amount. Support orders may be in a lump sum amount if awarded against the appropriate party as a judgment representing an accrued arrearage or reimbursement to the agency providing support.

(f) In determining the amount to be paid by the parent for support of the child and the period during which the duty of support is owed, a court enforcing the obligation of support shall consider the needs of the child and the ability of the parents to support.

(g) Proof that a person owes a duty of support and has not contributed reasonably to support his child or proof of the award of public assistance on behalf of his child shall constitute sufficient basis for entry of an order of support.

#### Section 15. Enforcement of Order.

(a) If the existence of the father and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under this Act, prior law or applicable sections of the criminal code, the obligation of the father may be enforced in the same or other proceedings by the mother, the child, the public authorities that have furnished or may furnish the reasonable expenses of pregnancy, confinement, education, or support, or by any other person, including a private agency, to the extent these expenses have been or are being furnished.

(b) The court shall order payments to be made to a person, corporation, agency designated to administer them under the supervision of the court, or the public authority which has furnished or may furnish support for the child including but not limited to monetary and medical payments.

(c) Willful failure to obey the judgment or order of the court is a civil contempt of the court. All sanctions for enforcement of judgments apply.

#### Section 16. Promise to Render Support.

(a) Any promise in writing to furnish support for a child, growing out of a supposed or alleged father and child relationship does not require consideration and is enforceable according to its terms in any court having jurisdiction under 10(a), subject to the provisions of Section 6(d) of this Act.

(b) Stipulations in any agreement that seek to bar a paternity action are not enforceable.

#### Section 17. Right to Counsel; Costs.

(a) In all proceedings under this Act, any party may be represented by counsel. If the public authority chargeable by law with support of a child is a party, the appropriate attorney as provided in Section 7 of this Act shall represent the public authority. If the child receives public assistance and no conflict of interest exists, the appropriate attorney shall also represent the person having custody. If the child does not receive public assistance, the appropriate attorney may represent the person having custody at that person's request.

(b) The court shall appoint a guardian ad litem to represent a defendant who is a minor and who is not otherwise represented by counsel.

(c) It is the express intent of this Act that parties to proceedings under the Act should pay the fees and expenses of retained counsel, expert witnesses, guardians ad litem, the costs of appropriate tests and other costs of the trial as they may, themselves, incur. The court may order reasonable fees for attorneys, expert witnesses, guardian ad litem fees, costs of appropriate tests and other costs of the trial, including docket fees, to be paid by the parties in such proportions as the court may direct. In the event the court determines that a party is unable to pay the fees and costs as directed, it may order fees and costs, including fees and costs of appropriate tests, if such tests have been ordered by the court as provided in Section 12 of this Act, to be paid from the fund entitled, "Court Costs Not Otherwise Provided For". If costs and fees are ordered to be paid from said fund, claims shall be submitted by the clerk of the court to the state comptroller

for audit and allowance and, if approved by the comptroller, shall be forwarded to the state treasurer for payment from said fund. Provided, docket fees and fees of retained counsel shall not be paid from said fund. Docket fees shall be waived if the court determines that the parties are incapable of paying them.

(d) Nothing contained in this Act shall be construed so as to guarantee court-appointed counsel at the state's expense to any party who is not otherwise entitled to court-appointed counsel under statutory or case law. Appointment of counsel for a minor defendant or party who is entitled to counsel and the compensation of such appointed counsel shall be governed by the other applicable law.

(e) When a party bringing an action is represented by the district attorney or attorney authorized to represent the State of Alabama, no filing fee shall be paid to the clerk of the court but may be taxed as a cost of the action as provided herein.

#### Section 18. Action to Declare Mother and Child Relationship.

Any interested party may bring an action to determine the existence or non-existence of a mother and child relationship. Insofar as practicable, the provisions of this Act applicable to the father and child relationship apply.

#### Section 19. Birth Records.

(a) Upon order of a court of this State or upon request of a court of another state, the Registrar of Vital Statistics shall prepare a new certificate of birth consistent with the findings of the court and shall substitute the new certificate for the original certificate of birth.

(b) The fact that the father and child relationship was declared after the child's birth shall not be ascertainable from the new certificate but the actual place and date of birth shall be shown.

(c) The evidence upon which the new certificate was made and the original birth certificate shall be kept in a sealed and confidential file and be subject to inspection only upon the consent of the court and all interested persons, or in exceptional cases only upon an order of the court for good cause shown.

#### Section 20. Appeals.

(a) The State of Alabama, the person on the relation of whom the action is brought or the defendant may appeal from any final judgment rendered under the provisions of this Act. Appeals shall be taken from the juvenile or family court division of either the district or circuit court to the circuit court for a trial de novo and for a jury trial, if demanded by the appellant or the defendant. Written notice of appeal shall be filed with the clerk of the circuit court within 14 days of the date of the order appealed from or the denial of a post trial motion. The defendant may file a supersedeas bond on appeal to stay enforcement of a support order, but a support order shall continue to accrue during the pendency of the appeal. Any party may appeal to the Court of Civil Appeals pursuant to the Alabama Rules of Appellate Procedure and the Alabama Rules of Juvenile Procedure upon the entry of a final judgment in the circuit court on the trial de novo. If the appeal is taken by the state, no security for the cost need be given.

(b) Appeals may be taken from the juvenile or family court division of the district or circuit court directly to the Court of Civil Appeals if there is an adequate record or stipulation of the facts by the parties and the right to

a jury trial is waived by all parties entitled thereto. Provided, that this subsection shall specifically not be construed as requiring the juvenile and family court divisions of the district and circuit courts to maintain a record of the proceedings brought pursuant to the provisions of this Act. Written notice of appeal in appeals brought pursuant to the provisions of this Act. Written notice of appeal in appeals brought pursuant to this subsection shall be filed within 14 days of the entry of the judgment or order appealed from.

Section 21. Sections 26-12-1 through 26-12-9, Code of Alabama 1975, are expressly repealed and all laws or parts of laws which conflict with this Act are hereby repealed. The provisions of this Act shall not, however, be construed to repeal or supersede any laws not inconsistent herewith.

Section 22. The provisions of this Act are severable. If any portion of this Act shall be declared invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Act.

Section 23. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Denton	Mitchell	
Aldridge	Bishop	Dixon	Mitchem	
Amari	Boyington	Goodwin	Parsons	
Bachus	Cabaniss	Holmes	Robertson	
Bailey	Cooley	Little	Smith (B)	
Barron	Corbett	Menton	Teague	
Bedford	Covington			—25

Nays:

—0

And said Bill, S. B. 455, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 1.

Yeas:

Senators:	Bedsole	Denton	Mitchell	
Aldridge	Bishop	Dixon	Mitchem	
Amari	Boyington	Goodwin	Parsons	
Bachus	Cabaniss	Holmes	Robertson	
Bailey	Cooley	Little	Smith (B)	
Barron	Covington	Menton	Teague	
Bedford				—24

Nay: Senator Harrison

—1

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 238. EXPRESSING LEGISLATIVE INTENT AND PUBLIC

**POLICY THAT OFFSHORE ENVIRONMENTAL RULES BE CONSISTENT WITH, BUT NOT MORE STRINGENT THAN, FEDERAL OFFSHORE ENVIRONMENTAL REGULATIONS.**

On motion of Senator Kirkland, the Resolution was then adopted by the Senate.

**RESOLUTIONS**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**S. R. 270. RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-sixth legislative day of the 1983 Regular Session only:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 110	Employees, insurance board, members	suppl.
H. B. 457	Pilots' fee schedule	136
S. B. 145	Wine-Definition	36
S. B. 505	Al Dev. Off., Economic Dev. Bd.	137
S. B. 508	Brokers and Dealers Regu.	suppl.
H. B. 446	Health curr. program	suppl.
S. B. 21	Burglary & Criminal Trespass, defined	24
S. B. 22	Woodlands, malicious burning	92
S. B. 491	Social Workers, reimbursement	134
H. B. 649	ASU board of trustees	suppl.
S. B. 251	Electors, statewide reidentification	15
H. B. 224	Ins. companies invest.	132
S. B. 362	Publicity and Inf. Bureau, name change	45
H. B. 280	Employee Pay Periods	146
H. B. 281	Workday Salaries-Employees	146

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

Senators Barron, Corbett, Aldridge, Amari, Bachus, Bailey, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague offered the following Senate Joint Resolution, to-wit:

**S. J. R. 271. URGE THE EXPEDITIOUS INSTALLATION OF THE NEW STATE GOVERNMENT TELECOMMUNICATIONS SYSTEM.**

**WHEREAS**, the current Alabama state government telecommunication system, installed in 1975, has become overloaded bringing about problems in the necessary communications of said government; and

WHEREAS, these problems are severely impairing the ability of the Legislature to serve its constituency and address the problem of overall state government; and

WHEREAS, the court ordered divestiture of the A. T. & T. subsidiaries has impaired implementing the installation of a new, more efficient, more effective telecommunication system for the State; and

WHEREAS, the State of Alabama has made a conscientious and reasonable approach to resolve this matter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the State of Alabama, South Central Bell and American Bell, Incorporated, to move quickly and expeditiously to bring about the installation of the new telecommunication system, utilizing the most current technology, for the state government of the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Governor of the State of Alabama, to the President of South Central Bell and to the President of American Bell, Incorporated.

On motion of Senator Barron, the Rules were suspended and the Resolution was adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 472. To amend Sections 11-88-8 and 11-88-50 of Chapter 88 of Title 11 of the Code of Alabama 1975 to clarify and expand the content of the term "revenues", to make clear that the costs which may be assessed by those authorities having the power to assess include expenses of issuance of bonds, including fees, charges or premiums on policies of bond insurance or letters of credit obtained in connection with bonds issued by an authority under the said Chapter, to amend Section 11-88-79 relating to assessments so as to provide for interests on the unpaid balance at the rate of eight percent per annum on the unpaid balance of any assessment if no bonds have been issued to finance the improvements which are the subject of such assessment, or at a rate which is one percent per annum in excess of the net interest rate on such bonds (as herein determined) if such bonds have been issued to finance such costs, and to amend Section 11-88-12 to state the criteria that may be used in fixing sewer rates and charges.

as amended, which said amendment is set out in the Journal of the Senate for the Twenty-Fifth Legislative Day, was again taken up.

And said Bill, S. B. 472, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 1.

Yeas:

Senators:	Bishop	Denton	Menton
Bachus	Cabaniss	Foshee	Mitchell
Bailey	Cooley	Goodwin	Smith (B)
Barron	Corbett	Harrison	Smith (J)
Bedford	Covington	Little	Teague
Bedsole			

—20

Nay: Senator Boyington

—1

Senator Bachus moved that the Senate reconsider the vote by which the Bill, S. B. 472, as amended, was passed.

On motion of Senator Menton, the motion to reconsider was laid on the table.

### SPECIAL ORDER

The Senate proceeded to consideration of the next special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 110. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

On motion of Senator Bailey, further consideration of the Bill, S. B. 110, was postponed subject to the call of the Chair.

The Bill:

H. 457. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Bishop	Denton	Mitchell	
Bachus	Boyington	Goodwin	Smith (B)	
Bailey	Cabaniss	Harrison	Smith (J)	
Barron	Cooley	Kirkland	Teague	
Bedsole	Corbett	Menton		—18

Nays: —0

The Bill:

S. 145. To amend Section 28-6-1, Code of Alabama 1975, which provides for the definition of a native farm winery, so as to provide further for said definition.

was taken up.

On motion of Senator Smith (B), further consideration of the Bill, S. B. 145, was postponed subject to the call of the Chair.

The Bill:

S. 505. To provide further for economic development of the state; to regulate further employment in the Alabama development office and the duties of such office; to establish the Alabama Economic Development Board, which shall be in lieu of any advisory committee or council, heretofore established by the governor under authority of Section 41-9-203, Code of Alabama 1975, which board shall advise and assist the governor, the legislature and the Alabama development office in areas of public policy related to economic development; to provide for the appointment, term of service and compensation of members of such board and to prescribe the powers, duties and functions thereof; to direct the Alabama development office to provide staff and logistical support for such board; and, for such purposes, amending Sections 41-9-201, 41-9-202, 41-9-203, Code of Alabama 1975.

was taken up.

Senator Mitchell offered the following amendment to the Bill, S. B. 505, to-wit:

### AMENDMENT TO S. B. 505

Amend Senate Bill No. 505 Page 2 Line 37 by striking out "May" after the word law and substituting in lieu thereof the word "shall"

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Senators:	Bishop	Foshee	Mitchell	
Aldridge	Cabaniss	Goodwin	Parsons	
Amari	Cooley	Harrison	Robertson	
Bachus	Denton	Holmes	Smith (B)	
Bailey	Dixon	Kirkland	Smith (J)	
Bedsole				—20

*Nays:* —0

And said Bill, S. B. 505, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Mitchell	
Aldridge	Cabaniss	Goodwin	Parsons	
Amari	Cooley	Harrison	Smith (B)	
Bailey	Denton	Holmes	Smith (J)	
Bedford	Dixon	Kirkland		—18

*Nays:* —0

### FURTHER CONSIDERATION OF S. B. 145

The Senate proceeded to further consideration of the Bill, S. B. 145.

And said Bill, S. B. 145, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Bishop	Dixon	Mitchell	
Aldridge	Boyington	Foshee	Parsons	
Amari	Cooley	Goodwin	Smith (J)	
Bailey	Corbett	Holmes	Teague	
Bedsole	Denton	Kirkland		—18

*Nays:* —0

### BILLS ON THIRD READING RESUMED

The Bill:

S. 508. To amend Section 8-6-3, Code of Alabama 1975, relating to broker-dealers to provide further for the regulation of brokers and dealers.



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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 1.

Yeas:

Senators:	Bishop	Goodwin	Mitchell	
Aldridge	Cabaniss	Harrison	Mitchem	
Bailey	deGraffenried	Holmes	Parsons	
Bedford	Denton	Kirkland	Smith (J)	
Bedsole	Dixon	Little	Teague	—19

Nay: Senator: Boyington —1

The Bill:

H. 446. Relating to public education in this state, to require instruction in cardiopulmonary resuscitation as part of the health curriculum for all tenth grade students in Alabama's public schools, effective September 1, 1983, in certain school systems, and effective September 1, 1984, in all school systems.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Senators:	Bedsole	Harrison	Parsons	
Aldridge	Cabaniss	Holmes	Robertson	
Amari	Cooley	Kirkland	Smith (B)	
Bachus	Covington	Mitchell	Smith (J)	
Bailey	Dixon	Mitchem	Teague	—20
Bedford				

Nays: —0

RESOLUTION

Senator Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 272. AUTHORIZING AND REQUESTING THE PRESIDENT TO PROCLAIM 1983 AS THE "YEAR OF THE BIBLE."

WHEREAS, the Bible, the Word of God, has made a unique contribution in shaping the United States as a distinctive and blessed nation and people;

WHEREAS, deeply held religious convictions springing from the Holy Scriptures led to the early settlement of our Nation;

WHEREAS, Biblical teachings inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States;

WHEREAS, many of our great national leaders-among them Presidents Washington, Jackson, Lincoln, and Wilson-paid tribute to the surpassing influence of the Bible in our country's development, as in the words of President Jackson that the Bible is "the rock on which our Republic rests";

WHEREAS, the history of our Nation clearly illustrates the value of voluntarily applying the teachings of the Scriptures in the lives of individuals, families, and societies;

WHEREAS, this Nation now faces great challenges that will test this Nation as it has never been tested before; and

WHEREAS, that renewing our knowledge of and faith in God through Holy Scripture can strengthen us as a nation and a people;

NOW THEREFORE BE IT RESOLVED BY THE HOUSE AND SENATE, BOTH HOUSES THEREOF CONCURRING, That we commend the President of the United States for his designation of 1983 as "The Year of the Bible" and in so doing urging our nation to recognize the formative influence the Bible has had on our Nation.

BE IT FURTHER RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the President read the Bible on a daily basis and apply its content on a daily basis in trying to alleviate suffering for the unemployed in Alabama and our Nation.

Which was read and referred to the Standing Committee on Rules.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 21. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Parsons
Aldridge	Bishop	Goodwin	Robertson
Amari	Cabaniss	Harrison	Smith (B)
Bachus	Cooley	Holmes	Smith (J)
Bailey	Corbett	Kirkland	Teague
Bedford	Denton		

—21

Nays:

—0

The Bill:

S. 22. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Bishop	Denton	Little
Aldridge	Boyington	Goodwin	Parsons
Bailey	Cabaniss	Harrison	Smith (B)
Bedford	Cooley	Holmes	Smith (J)
Bedsole	Corbett	Kirkland	Teague

—19

Nays:

—0

**RESOLUTIONS**

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 273. COMMENDING NAN G. HALL FOR OUTSTANDING SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

Also:

S. R. 274. COMMENDING GEORGE ALLEN MOORE OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING LEADERSHIP AND COMMUNITY SERVICE.

Also:

S. R. 275. COMMENDING AND HONORING MR. SAM PENDLETON, JR.

Which were adopted.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 491. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified certified clinical social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 5.

Yeas:

Senators:	Bishop	Harrison	Smith (B)
Aldridge	deGraffenried	Holmes	Smith (J)
Barron	Foshee	Mitchem	Teague
Bedsole	Goodwin		—13

Nays:

Senators:	Bachus	Little	Parsons
Amari	Cabaniss		—5

The Bill:

H. 649. To amend Sections 16-50-20 and 16-50-25, Code of Alabama 1975, relating to the appointment, terms of office and number of members of the board of trustees for Alabama State University, so as to provide further for an additional trustee from the home district and the terms of office; and to allow reappointment for a certain period.

was taken up.

On motion of Senator Harrison, further consideration of the Bill, H. B. 649, was postponed subject to the call of the Chair.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your

signature thereto is requested.

H. 246. To provide that a Restitution Order in a criminal case be a Final Judgment and have all of the force and effect of a Final Judgment in a civil action under the laws of the State of Alabama; to provide that the victim of a crime to whose benefit restitution is ordered, or anyone acting on behalf of said victim, shall have all of the rights and remedies granted a plaintiff in a civil action under the laws of this state together with any other right or remedy pertaining to restitution orders in criminal codes.

Also:

H. 726. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing and directing Randolph County under certain conditions (a) to levy privilege, license and excise taxes paralleling the state sales and use taxes at the rate of one-half of one percent on gross proceeds of businesses made subject to the said taxes, (b) to pay one-half of the proceeds of the special ad valorem tax authorized to be levied by Amendment 72 to the Constitution into a special fund established for such purpose, (c) to pay four-tenths of the road, bridge and public building ad valorem tax authorized by Section 215 of the Constitution, as amended, to be levied by the county into said special fund, and (d) to issue its bonds or warrants (which may but need not be general obligations of the County) not exceeding \$1,500,000 in principal amount for the purpose of financing certain County Facilities (as defined herein), to be secured by a pledge of (i) the said privilege, license and excise taxes authorized and directed by this Amendment to be levied by Randolph County, (ii) one-half of the said special ad valorem tax, and (iii) four-tenths of the special ad valorem tax authorized by Section 215 of the Constitution; providing that none of the bonds or warrants shall be chargeable against the limitation on the indebtedness of Randolph County contained in Section 224 of the said Constitution and specifying certain details pertaining to the bonds or warrants; and providing that the provisions of Amendment 425 to the Constitution (providing for an alternate method of the submission of certain proposed Amendments) are inapplicable to this proposed Amendment.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 251. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; providing for the appointment of deputy registrars to aid in the re-identification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

was taken up.

On motion of Senator Teague, further consideration of the Bill, S. B. 251, was postponed subject to the call of the Chair.

The Bill:

H. 224. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, H. B. 224, to-wit:

**COMMITTEE AMENDMENT TO H. B. 224**

Amend House Bill 224 as follows:

On page 2, line 7, strike out the figure "\$100,000,000" and insert in lieu thereof "\$50,000,000."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Mitchem
Aldridge	Bishop	Holmes	Parsons
Bachus	Boyington	Kirkland	Smith (B)
Bailey	Cabaniss	Little	Smith (J)
Barron	Covington	Menton	Teague
Bedford	Denton	Mitchell	

—22

Nays: —0

And said Bill, H. B. 224, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Bedsole	Harrison	Mitchem
Aldridge	Bishop	Holmes	Parsons
Bachus	Boyington	Kirkland	Smith (B)
Bailey	Cabaniss	Little	Smith (J)
Barron	Covington	Menton	Teague
Bedford	Denton	Mitchell	

—22

Nays: —0

The Bill:

S. 362. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Mitchell	
Aldridge	Bishop	Harrison	Mitchem	
Bachus	Boyington	Holmes	Smith (B)	
Bailey	Cabaniss	Kirkland	Smith (J)	
Barron	Denton	Little	Teague	
Bedford	Dixon	Menton		—22

*Nays:* —0

The Bill:

H. 280. To provide for an additional seven workday delay in the payment of salaries to employees of the state of Alabama so that the said salaries will be paid biweekly two weeks in arrears.

was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Boyington	Harrison	Mitchell	
Aldridge	Cabaniss	Holmes	Mitchem	
Barron	Covington	Kirkland	Smith (B)	
Bedford	Denton	Little	Smith (J)	
Bedssole	Dixon	Menton	Teague	
Bishop	Foshee			—21

*Nays:* —0

The Bill:

H. 281. Relating to and amending 1975 Code of Alabama § 36-6-1 to amend the second sentence (parts being inapplicable) and to change the words "pay periods" to "pay days," and to provide an effective date.

was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Senators:	Bishop	Dixon	Menton	
Aldridge	Boyington	Foshee	Mitchell	
Bailey	Cabaniss	Harrison	Mitchem	
Barron	Corbett	Holmes	Smith (B)	
Bedford	Covington	Kirkland	Smith (J)	
Bedssole	Denton	Little	Teague	—23

*Nays:* —0

## RESOLUTION

Senator Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 276. NOTING THE 100th ANNIVERSARY OF THE HENRYVILLE UNITED METHODIST CHURCH.

WHEREAS, the Henryville United Methodist Church has been located on its present site near Guntersville, Alabama, since 1883; the wood frame house of worship was constructed from lumber barged down the Tennessee River from Chattanooga and hauled by wagon from Gunter's Landing; and

WHEREAS, the current church roll contains many family names which can be found in the earliest existing record of a membership roll dating to

1868; and

WHEREAS, under its present pastor, The Reverend Kenneth A. Dunivant, the Henryville Church continues its dedicated service in traditional concern for the entire community; and

WHEREAS, prior to the late 1930's, the Henryville Church served as the community's school house and has long been the facility used for public debates, political rallies, Literary Society meetings and singings; and

WHEREAS, the growth, building activity and Christian service of the Henryville United Methodist Church was recognized outside the community in 1965 as the Rural Church of the Year by the Town and County Commissions of the North Alabama Conference; and

WHEREAS, most recently, church members have provided leadership in county service agencies such as CASA, Council on Aging and Hospice, and, as always, have been responsive to all those in need; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of its 100th Anniversary and in recognition of a century of Christian witness and service, we hereby most highly commend the Henryville United Methodist Church and its present congregation of 218 faithful members.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to The Reverend Kenneth A. Dunivant, pastor, on behalf of the membership of the Henryville United Methodist Church.

Which was read and referred to the Standing Committee on Rules.

#### ADJOURNMENT

At 10:55 P.M., on motion of Senator Little, in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Thursday, July 14, 1983, at 11 o'clock A.M.

**TWENTY-SEVENTH LEGISLATIVE DAY****THURSDAY, JULY 14, 1983**

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Jay Wolf, Associate Pastor, First Baptist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Foshee	Mitchem
Aldridge	Cabaniss	Goodwin	Parsons
Amari	Cooley	Harrison	Pearson
Bachus	Corbett	Hilliard	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Kirkland	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague
Bishop	Figures	Mitchell	

—34

**JOURNAL**

On motion of Senator Denton, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Sixth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Denton, leave of absence was granted Senator Keener for today.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 280. To provide for an additional seven workday delay in the payment of salaries to employees of the state of Alabama so that the said sala-



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ries will be paid biweekly two weeks in arrears.

Also:

H. 281. Relating to and amending 1975 Code of Alabama, §36-6-1 to amend the second sentence (parts being inapplicable) and to change the words "pay periods" to "pay days," and to provide an effective date.

Also:

H. 446. Relating to public education in this state, to require instruction in cardiopulmonary resuscitation as part of the health curriculum for all tenth grade students in Alabama's public schools, effective September 1, 1983, in certain school systems, and effective September 1, 1984, in all school systems.

Also:

H. 457. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Also:

H. 142. To amend Act 82-328 to conform with other states in the Southeast Interstate Low-Level Radioactive Waste Management Compact and to change the effective date.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Cosby, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 415. CONGRATULATING MR. JOSEPH WALTON

GREEN, JR., OF SELMA, ALABAMA, ON THE OCCASION OF HIS 100TH BIRTHDAY.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Goodwin, the Rules were suspended and the Resolution, H. J. R. 415, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Buskey, Clark, Kvalheim, Harper, Gaston, Clikas, Zoghby, Turner, Drake, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright:

H. J. R. 404. MOURNING THE DEATH OF MRS. CLAUDETTE CLEEK BOX.

Also:

By Reps. Campbell, Crow and Browder:

H. J. R. 405. DESIGNATING THE WEEK OF OCTOBER 3-7, 1983, AS "CALHOUN COUNTY INDUSTRY WEEK".

Also:

By Reps. Wilson, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hoiley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby:

H. J. R. 406. MOURNING THE DEATH OF MR. WILLIAM

GUNTER O'REAR OF MONTGOMERY, ALABAMA.

Also:

By Rep. Minus:

H. J. R. 407. COMMENDING MRS. LADDI JONES FOR OUTSTANDING LEADERSHIP.

Also:

By Rep. Minus:

H. J. R. 408. COMMENDING MR. JAMES FRANKLIN OZMENT FOR OUTSTANDING LEADERSHIP.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Figures, the Rules were suspended and the Resolution, H. J. R. 404, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Holmes, the Rules were suspended and the Resolution, H. J. R. 405, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Dixon, the Rules were suspended and the Resolution, H. J. R. 406, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Denton, the Rules were suspended and the Resolutions, H. J. R.'s 407 and 408, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McMillan and Penry:

H. J. R. 416. NAMING THE NEW DISTRICT 8 HEADQUARTERS BUILDING OF THE ALABAMA FORESTRY COMMISSION IN BALDWIN COUNTY, ALABAMA, THE "EMANUEL DAVIDSON BUILDING."

WHEREAS, Mr. Emanuel Davidson is a native of the Pine Grove Community of Baldwin County, Alabama; and

WHEREAS, Mr. Davidson, a veteran of World War I and a retired banker, has long been active in community, business and veteran affairs; and

WHEREAS, Mr. Davidson has also demonstrated, through involvement, his interest in forestry and related industries, and most particularly in naval stores and in management and improvement of the forest products industry; and

WHEREAS, Mr. Davidson has further evidenced his interest and support of the forestry industry through the donation of five acres of land, the site of the new District 8 Headquarters building for the Alabama Forestry Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSE THEREOF CONCURRING, That in recognition of the numerous contributions of Mr. Emanuel Davidson to forestry and related industries, and in deep gratitude for his generosity, we hereby name and designate the new District 8 Headquarters building of the Alabama Forestry Commission, in Baldwin County, Alabama, the "Emanuel Davidson Building."

BE IT FURTHER RESOLVED, That the proper authorities shall erect and maintain appropriate signs and markers so designating said building as the "Emanuel Davidson Building."

RESOLVED FURTHER, That a copy of this resolution shall be provided for Mr. Davidson, in token of our highest regard and as a memento of this honorary designation of the Legislature.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Kirkland, the Rules were suspended and the Resolution, H. J. R. 416, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended has passed the following Senate Bill and returns same herewith to the Senate.

S. 434. Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Smith (B), the Senate concurred in and adopted the following House amendment to the Bill, S. B. 434, the title of which is set out in the foregoing Message from the House, to-wit:

### HOUSE AMENDMENT TO S. B. 434

Amend S. B. 434 on page 3, Section 1, line 7 by adding after the word "meetings" the following

(provided said items are constructed within one mile of the Alabama Space and Rocket Center).

Yeas 15; Nays 0.

Yeas:

Senators:  
Bailey  
Boyington

Denton  
Dixon  
Figures

Goodwin  
Harrison  
Holmes

Menton  
Mitchell  
Parsons

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Robertson	Smith (B)	Smith (J)	Teague	—15
Nays:				—0

(The President Pro Tempore of the Senate declared a quorum present but not voting.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Stout, Crow, Rogers, Coleman, Hammett, Warren, Bennett, Waggoner, Mitchell, Turner, White (L), Grimsley, Ford, Junkins and Richardson:

H. 94. To permit, upon proper application and approval by the adjutant general of the Alabama National Guard, any eligible veteran to have a ceremonial funeral with honor guard furnished by the Alabama National Guard personnel.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 94. To the Committee on Military Affairs.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Boles, Smith and Trammell:

H. 339. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the

State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitation for paternity action under this act; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Also:

By Reps. Junkins, Coleman, Albright, Brooks, Johnson (A.L.), Laird, Wilson, Browder, Thornton, Mathis, Campbell and Lewis:

H. 724. To amend Sections 36-30-1 and 36-30-20, Code of Alabama 1975, which provide for compensation for death or disability of certain law enforcement personnel, and Section 36-21-8, Code of Alabama 1975, which provides for the retention of badges and pistols upon retirement by certain law enforcement personnel, so as to include officers of the Department of Industrial Relations within these provisions.

Also:

By Rep. Coburn:

H. 526. To provide that certain county officers and employees who belong to the state retirement system, who are deemed blind, shall be entitled to a minimum retirement benefit allowance.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 339. To the Committee on Judiciary.

H. B.'s 724 and 526. To the Committee on Governmental Affairs.

### UNANIMOUS CONSENT GRANTED

On motion of Senator Foshee, unanimous consent was granted to allow Senate Bills to receive Second Readings today.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Grimsley and Brakefield:

H. 648. To amend Sections 27-43-3, 27-43-6, and 27-43-15, Code of Alabama 1975, relating to legal expense insurance, so as to permit certain persons conducting life, accident and sickness insurance business to transact legal insurance business.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 648. To the Committee on Banking and Insurance.

**RULE 36 INVOKED**

Senator Foshee moved that the provisions of Rule 36 be strictly enforced today, which motion was adopted.

**REPORTS OF COMMITTEES**

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills, and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Proctor and Bachus:

S. 100. Relating to judicial retirement; to provide that any circuit court judge in the 18th judicial circuit shall be entitled to receive credit for service as a district attorney and/or a county court judge.

By Rep. Coburn:

H. 237. To make appropriations for the support and maintenance of the Walker County Junior College.

By Reps. Reed and Coburn:

H. 238. To make appropriations for the support and maintenance of the Tuskegee Institute.

By Rep. Coburn:

H. 239. To make appropriations for the support and maintenance of the Talladega College.

By Reps. Bryant and Coburn:

H. 240. To make appropriations for the support and maintenance of the Marion Military Institute.

By Rep. Coburn:

H. 241. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

By Rep. Waggoner:

H. 462. Relating to exemptions from the payment of state, county and municipal ad valorem taxes, so as to exempt the Presbyterian Apartments of Birmingham, Inc., the Presbyterian Homes of Decatur, Inc., and Shoals Presbyterian Apartments, Inc., the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity, the Presbyterian Apartments in Northport, Alabama, from the payment of all such state, county and municipal taxes.

By Rep. McKee:

H. 587. To make an appropriation from the State General Fund for the relief of John W. Bailey who contracted Histoplasmosis in line of duty

and was forced to retire from employment with the State of Alabama.

By Rep. Poole:

H. 765. To appropriate \$10,000 from the general fund to the Department of Public Health for the purchase of rubella vaccine to be administered for the purpose of preventing birth defects; to grant immunity to public employees administering such vaccine; and to authorize the charging of fees for such immunizations.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Coburn (With Substitute) (With Amendments):

H. 245. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Crow, Carter, Smith, Newman, Poole, Blake, Bennett, Carothers and Mathis:

H. 301. To amend Section 9-11-53, Code of Alabama 1975, relating to annual resident fishing licenses, so as to delete the requirement of said licenses for residents of this state over 65 years of age and to require in place thereof proof of age and permanent residence to be on said persons while fishing.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Coleman, Junkins, Newman, Hall, Wright, Browder and Lauderdale (With Amendment):

H. 450. To provide for and regulate through licensure and registration the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General, or the District Attorney of any county of the State of Alabama; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Holley:

H. 626. To amend Sections 34-29-20, 34-29-21, 34-29-23, and 34-29-41, Code of Alabama 1975, relating to the Board of Veterinary Medical Exam-



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iners, so as to provide for an executive secretary and to delete references to the secretary-treasurer.

Senator Smith (B), Chairperson of the Standing Committee on Industrial Expansion, Economic Growth, and Jobs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Rice, Hettinger, Ashley, Wright, Parker, Owens, Cosby, Stout, Adams, Harvey, Kennedy, Penry, Freeman, Junkins and Buskey:

H. 614. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Turner (With Notice and Proof):

H. 184. Relating to the City of Citronelle, in Mobile County; providing further for any tax revenues received by Citronelle, pursuant to Act No. 82-427, H. 221, Regular Session 1982 (Acts, 1982, p. 675), relating to the distribution of certain alcoholic beverage tax revenues to counties and municipalities, so as to prescribe that all such funds in Citronelle be disbursed to the Citronelle Historical Society and make the provisions retroactive to January 1, 1983.

By Rep. Turner (With Notice and Proof):

H. 183. Relating to Mobile County; to provide for the allocation of up to twenty percent (20%) of the proceeds of ad valorem tax funds levied and collected in accordance with the terms of Act No. 319, H. 593, Regular Session 1976 (Acts 1976, p. 353), by the Mobile County Board of Health for general health purposes.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Covington (With Notice and Proof):

S. 558. Relating to Barbour County; to abolish the current board of education, effective the day after the special November general election of 1983, at which election a new five (5) member county board of education shall qualify and be elected from the five (5) representation districts created for the Barbour County Board of Education pursuant to an order of the U. S. District Court for the Middle District of Alabama, Northern Division, dated July 10, 1970, Civil Action No. 2458-N.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. McMillan, Turnham, Owens, Manley, Johnson (A.L.), Kvalheim, Waggoner, Penry, Brooks, Butler, Clark, Gaston, Adams, Rice, Moore, Cosby, Blakeney, Clikas, Carothers, Carter, Rains, White (L), Wright,

Layton, Box, Ford, Harvey, Mathis, Johnson (R.G.), Stout, Flowers, Starr, Faulk, Venable, Harper, Minus, Grouby, Seibels, Junkins, Bennett, Zoghby, Campbell, White (F), Wilson, Hall and Turner:

H. 506. To establish the Alabama teacher-of-the-year program; to direct the public's attention to the contributions made by all Alabama teachers; to authorize the State Department of Education to establish a selection process for the teacher-of-the-year program; to recognize the good qualities of all Alabama teachers by selecting a teacher-of-the-year.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Smith, Sasser, Lewis, Richardson, Newman, Brooks, Hettinger and Brakefield:

H. 283. To amend Section 28-3A-2, Code of Alabama 1975, relating to definitions, violations and punishments of the state's alcoholic beverage control laws, so as to raise the minimum age of minors for purposes of buying and consuming alcoholic beverages to 21 years of age.

Senator Figures, Chairperson of the Standing Committee on Consumer Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Davis, Escott, Horn, Rogers, Thornton, Murphy, Seibels, Buskey, Hettinger, Reed, Kennedy, Howard, Nevett, Coleman, Thomas, Junkins, Crow, Browder, Rains, Brooks, Dutton, Parker, Freeman, Nicholson, Lauderdale, Holmes, Melton, Bryant, Layton, Goodwin, Langford, Preuitt, Brakefield, Bennett, Wright, Scott, Hall, Butler, Clark, Waggoner, Ashley, Poole, Mitchell, Tucker, Johnson (A.L.), Albright, Moore, White (L), Blake, Mathis, Turnham, Wilson, Faulk, Blakeney, Carothers, Lewis, Holley, Trammell and Johnson (Roy):

H. 813. To create the Alabama Indian Affairs Commission; to prescribe the powers, duties and authority of the Commission, and to provide for the selection, term, qualifications, and compensation of the members thereof; to provide for the appointment, duties, and compensation of an Executive Director and other employees of the Commission; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama, 1975.

By Rep. Turner:

H. 33. To amend Section 32-6-1 of the Code of Alabama 1975, as amended, relating to drivers' licenses, so as to provide further for renewal of certain drivers' licenses.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Menton:

S. 7. To amend Code of Alabama 1975, §§ 12-15-1, 12-15-30, 12-15-32, 12-15-33, and 12-15-34, relating to juvenile proceedings, so as to redefine "child" as one under 16 years of age and "adult" as one 16 years old or older; remove the special provisions involving traffic offenses; provide that transfer of a juvenile to adult court terminates juvenile court jurisdiction

over that child with respect to pending or subsequent acts; and to make other changes.

By Senators Smith (B), Bachus, Barron, Smith (J), Robertson, Cabaniss, Bailey, Goodwin, Harrison, Boyington and Corbett:

S. 216. To amend Sections 28-3A-2 and 28-3A-25, Code of Alabama 1975, relating to definitions, violations and punishments of the state's alcoholic beverage control laws, so as to raise the minimum age of minors for purposes of buying and consuming alcoholic beverages to 21 years of age, and to provide further for penalties for selling such beverages to minors.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Menton (With Amendment):

S. 232. To provide for concurrent jurisdiction between the several circuit courts of this state and their juvenile divisions on criminal cases involving offenders of certain ages and to repeal Sections 15-19-1 through 15-19-7 of the Code of Alabama 1975.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bachus, Bailey and Dixon:

S. 52. To further regulate the sale, purchase and consumption of alcoholic beverages so as to change the legal age for the consuming, purchasing and selling of alcoholic beverages to persons of 21 years of age; to amend Section 26-1-1 of the Code of Alabama 1975, to except the consuming, purchasing and selling of alcoholic beverages from said statute which designates the age of majority, until the attainment of age 21; to amend Section 28-3A-11 of the Code of Alabama 1975, relating to retail liquor lounges, so as to provide that no person under 21 years of age shall be admitted to such premises as a patron; and to provide penalties for violations.

By Senator Parsons:

S. 56. To provide that certain items or materials that are related to obscene or pornographic items, matter or materials, may be seized the same as if these were obscene or pornographic.

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Scott:

H. 320. This bill amends Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, by expanding the definition of Hospitals to include home health agencies and provides for an exception with reference to county or district health departments. Additionally, provides for expansion of the Advisory Board.

By Reps. Melton, Bryant and Cosby:

H. 537. To amend Sections 34-14-3, 34-14-6, 34-14-7 and 34-14-11 of the Code of Alabama 1975, which regulate hearing aid dealers and fitters, so as to provide further for license fees, permits and renewals of same and to provide for certain continuing education requirements for licensees.

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Biddle (With Substitute):

H. 722. To provide for an advisory council to the designated state health planning and development agency; to specify the number and manner of selection of the members of the council; to provide for per diem and reimbursement for allowable expenses for the members of the council and special task forces; to specify the manner of selection of the chairman of the council; to provide for the appointment of special task forces to perform designated functions; to specify the frequency of the meetings of the council and to specify the number of members constituting a quorum for the transaction of business; to specify that the state health planning and development agency shall serve as the designated agency for the purpose of Section 1122 of the Social Security Act; to provide for the adoption, revision, etc., of rules, regulations, standards, etc. by the state health planning and development agency and appeals therefrom; to provide that the provisions of the Act are severable; to repeal stated portions of the Code of Alabama, 1975; to provide for the effective date of the Act.

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. White (L):

H. 681. To amend §34-23-116, Code of Alabama of 1975, relating to exemptions from the "Third Party Prescription Program Act" in Title 34, Chapter 23, Article 5, Code of Alabama of 1975, so as to provide for exemption of services reimbursed by non-profit corporations organized under Title 10, Chapter 4, Article 6, Code of Alabama of 1975, to establish and operate health care service plans.

By Rep. Sasser:

H. 767. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Ford:

H. 496. To amend Section 5-18-11 of the Code of Alabama 1975 relat-

ing to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

By Reps. Wilson, Starr, Langford and Flowers:

H. 329. Relating to the uniform commercial code; to amend Section 7-9-403, Code of Alabama 1975, to exempt mobile homes from being subject to the limitation of filing a continuation statement five years after filing a financing statement on a perfected security interest.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Biddle and Sasser:

H. 355. To prohibit the landing of aircraft on public highways or streets, except in the case of an emergency situation as declared by the pilot of the airplane.

By Rep. Martin:

H. 231. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

By Reps. Nicholson, Brakefield, Newman, Lauderdale, Ashley, Layton, Waggoner, Butler, Freeman, Goodwin, Dutton, Coleman, Laird, Carothers, White (L), Mathis, Johnson (R.G.) and Browder:

H. 578. To amend further Code of Alabama 1975, § 32-5-313, relating to a penalty for a traffic infraction so as to increase the amount of the penalty and provide that the additional amount to be used to fund courses of instruction in the driving of trucks.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Cooley (With Notice and Proof):

S. 559. Relating to Cullman County, to amend Sections 1 and 12 of Act No. 161, H. 182, 1973 Regular Session (Acts 1973, p. 202), which act levies a county hotel-motel lodging tax, so as to increase said tax, and to provide further for the use of the proceeds of such tax.

By Senators Barron and Smith (J) (With Notice and Proof):

S. 560. Authorizing the County Governing Body of Madison County to levy, assess and collect franchise, excise and privilege license taxes in Madison County outside the corporate limits of the City of Huntsville, Alabama, providing that the proceeds of said tax be paid into the general fund of Madison County; providing certain limitations on the levying of the taxes; providing for the enforcement and collection of the tax and distribution thereof, and providing an effective date for this act.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the

calendar, to-wit:

By Senators Smith (J) and Barron (With Notice and Proof) (With Amendment):

S. 561. To approve, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, the proposal of the governing body of Madison County, after a public hearing on the proposal, relating to special school taxes heretofore levied within School Tax District Number 1, Madison County, Alabama, that the rate of said special school taxes be increased above the rate now levied so as to increase the total rate of ad valorem taxes to be levied and collected within School Tax District Number 1, Madison County, Alabama by 115¢ on each one hundred dollars worth of taxable property (11½ mills), making the total levy for special school taxes within School Tax District Number 1, Madison County, Alabama 22 mills; providing for an election by the qualified electors of School Tax District Number 1, Madison County, Alabama, at a special election called and held in accordance with law governing special elections; and providing for an effective date for this Act.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bachus and Proctor (With Notice and Proof):

S. 562. Relating to Shelby County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; to transfer certain duties now performed by the tax assessor and tax collector; to provide that the probate judge shall be a member of the Association of Tax Assessors and Tax Collectors; and to provide further for the expense allowance of the probate judge.

By Senators Bachus and Proctor (With Notice and Proof):

S. 563. Relating to Shelby County; authorizing and empowering the county commission to promulgate and implement rules and regulations including advance permit requirements for adequate control and accommodation of outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside of the municipal or town limits of any city or town in Shelby County and prescribing penalty for violation.

By Senator Cooley (With Notice and Proof):

S. 565. Relating to Winston County; authorizing the Winston County Commission to levy a county excise tax on the sale, distribution, storage, or withdrawal from storage of gasoline and/or diesel fuel in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

By Senator Cooley (With Notice and Proof):

S. 566. Relating to Winston County; authorizing the Winston County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

By Reps. Mitchell, Johnson (Roy), Poole, Melton and Owens (With Notice and Proof):

H. 102. Relating to Tuscaloosa County, to repeal, in part, Act 613, H. 1289, 1977 Regular Session, (Acts of 1977, p. 922) a population based bill for Tuscaloosa County relating to voter registration; specifically repealing Section 11 pertaining to the voter signature book and Section 12 pertaining to the suspension of registration.

By Rep. Minus (With Notice and Proof):

H. 111. Relating to Choctaw County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

By Rep. Richardson (With Notice and Proof):

H. 218. Relating to Jackson County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; and providing for a referendum.

By Rep. Richardson (With Notice and Proof):

H. 220. To amend Act 79-473, Regular Session 1979, as amended by Act 80-558 of the Regular Session 1980 (Acts 1980, p. 867), which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes to Jackson County, so as to provide that a portion of such payments shall be used to provide for a legislative office for the members of the state legislative delegation serving Jackson County.

By Rep. Richardson (With Notice and Proof):

H. 221. Relating to Jackson County; amending Section 2 of Act No. 79-349, H. 761, 1979 Regular Session (Acts 1979, p. 562), relating to the distribution of the use of coal severance tax in the county collected pursuant to said act, so as to further provide therefor.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Richardson (With Notice and Proof) (With Amendment):

H. 222. Relating to Jackson County; providing for the county governing body to reimburse the office of tax collector and probate judge for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of

the county.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Richardson (With Notice and Proof):

H. 316. Relating to Jackson County; to authorize the Jackson County Commission to fix a county fire protection tax of 2 mills on certain taxable real estate in Jackson County, excluding row crops and pasture lands; to authorize the Jackson County Commission to appoint the president of the Jackson County Association of Volunteer Fire Departments to the office of fire marshal of Jackson County; to authorize the Jackson County Commission to spend the fire protection tax funds through requisition presented by the fire marshal of Jackson County; to authorize the Jackson County Commission to adopt a county fire code; to authorize the Jackson County Association of Volunteer Fire Departments to establish fire districts in the geographical boundaries of Jackson County; and to exclude from fire districts any corporate municipality which does not request through resolution by its governing body to be made a part of and subject to the provisions of this act.

By Rep. Campbell (With Notice and Proof):

H. 410. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

By Rep. Laird (With Notice and Proof):

H. 619. Relating to Chambers County; requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

By Rep. Minus (With Notice and Proof):

H. 672. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Forkland in Greene County.

By Rep. Laird (With Notice and Proof):

H. 680. Relating to Randolph County; requiring the county health department or its agent, to perform soil percolation tests for septic tank installation purposes for a certain fee.

By Rep. Laird (With Notice and Proof):

H. 694. Relating to Randolph County; providing further for the compensation of the county coroner.

By Rep. Minus (With Notice and Proof):

H. 723. Relating to Sumter County; providing that certain taxes heretofore levied on malt or brewed beverages in said county shall hereafter be administered by the judge of probate and prescribing a certain administration fee for said judge.



By Rep. Johnson (Roy) (With Notice and Proof):

H. 770. Relating to Tuscaloosa County; providing for the filing for record and the preservation of all orders and decrees made and entered by any judge of the circuit court in Tuscaloosa County.

By Rep. Campbell (With Notice and Proof):

H. 797. To amend Section 5 of Act No. 82-362, H. 772, of the Regular Session of 1982, relating to the compensation of deputy sheriffs in Calhoun County, so as to clarify the date on which such act shall become effective.

By Rep. Minus (With Notice and Proof):

H. 831. Relating only to Choctaw County, to further provide for the distribution of the tax levied by Act #82-344, Acts of Alabama, regular session 1982.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Sasser, Owens, Grimsley, Turnham, Browder and Ford:

H. 536. To amend Section 15-22-23 and Section 15-22-36, of the Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles so as to provide further for notification procedures.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Turnham, Johnson (A.L.) and Rice (With Notice and Proof):

H. 507. Relating to Lee County; to provide further for the election of the members of the county board of education.

By Rep. Rice (With Notice and Proof):

H. 511. Relating to Lee County; to legalize the sale of draft or keg beer or malt beverages.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Keener (With Amendment):

S. 504. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending § 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of

"contested case" to exempt from that definition and the provisions of §§ 41-22-12 through 41-22-21, Code of Alabama 1975, tax assessments, determinations, redeterminations and appeals, and related procedures and adjudicative proceedings which are governed by Title 40, Code of Alabama 1975 and which are governed by Article 7, Chapter 4, Title 25, Code of Alabama 1975 and certain pardon and parole hearings; by amending § 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice; by amending § 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending § 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending § 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending § 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending § 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending § 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending § 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; amending §§ 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Nicholson and Brakefield:

H. 300. To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction

in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of cessation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two acres or less; and to amend Section 9-16-75 relating to rule making procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for an emergency rule making procedure; and to amend Section 9-16-79(1)(a) relating to hearings and appeals by providing that the provisions of this Act shall take precedence over the Alabama Administrative Procedure Act as related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1.) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and subject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected; and to amend Section 9-16-105(a) to provide for the conformity of Federal and state laws and regulations.

By Reps. Penry, McMillan, Brakefield, Starkey, Turner, Box, Kvalheim, Klikas and Gaston:

H. 317. To provide further for the certification of factory-built housing; provides for the regulation, administration and enforcement of the provisions of this Act by the Alabama Development Office; establishes certain civil remedies and actions in connection with factory-built housing; provides penalties for violations of this Act or any rule or regulation promulgated hereunder; and repeals Sections 24-4A-1 through 24-4A-7, Code of Alabama 1975, which provide for manufactured buildings.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Mitchell, Stout, Brakefield, McMillan, Hettinger, Ford, Drinkard, Richardson, Turner, Grouby, Owens, White (L), Venable, Faulk, Boles, Johnson (Roy), Poole, Holley, Bowling, Junkins, Langford, Melton, Newman, Carothers, Rice, Holmes, Hall and White (F):

H. 103. To further provide for payroll deductions for state employees.

By Reps. Flowers, Starr, Wilson, Langford and Carothers:

H. 191. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

Senator Bishop, Chairperson of the Standing Committee on Rules reported that the following Bills have been placed at the end of the Regular Order Calendar for today, to-wit:

By Senator Hilliard:

S. 258. To provide for the implementation of agreements to arbitrate

disputes in accordance with the uniform arbitration act within the scope provided hereinbelow; to provide minimum standards for arbitration procedures and rules for review by the courts of arbitration awards, and to repeal Code of Alabama 1975, Sections 6-6-1 to 6-6-16, relating to arbitration and award.

By Senator Smith (B) (With Amendment):

S. 197. To amend Section 9-11-245, Code of Alabama 1975, relating to the taking of protected birds or animals by use of traps, nets, poisons, etc., so as to delete reference to poisons or chemicals; to prohibit the taking, capturing or killing of any protected bird or animal by the use of any poison or chemical; and to provide penalties for the violation thereof.

By Senator Smith (B):

S. 481. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

By Rep. Moore:

H. 20. To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama, and in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; limits the program to one limited license student or graduate to one sponsor licensed to practice chiropractic; to empower the Board to establish rules and regulations for the implementation of this act.

### BILLS ON THIRD READING

The Bill:

H. 85. Relating to Jefferson County; authorizing the sheriff to employ an executive assistant and repealing Act No. 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181).

was taken up.

Senator Parsons offered the following substitute for the Bill, H. B. 85, to-wit:

### SUBSTITUTE FOR H. B. 85

#### A BILL TO BE ENTITLED AN ACT

Relating to Jefferson County; to repeal Section 2 of Act 681, H. 505, 1977 Regular Session, relating to the duties of the executive assistant to the sheriff and granting said assistant an expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181), relating to the duties of the executive assistant to the sheriff

of Jefferson County is hereby repealed.

Section 2. The executive assistant to the sheriff shall receive an expense allowance in such an amount so that the total compensation paid said assistant including salary, expense allowance, and all other emoluments shall be \$30,000. Beginning with the next term of office of said assistant, said expense allowance shall convert to a portion of the assistant's salary.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Mitchell
Amari	Cabaniss	Goodwin	Mitchem
Bachus	Cooley	Hilliard	Parsons
Bailey	Corbett	Holmes	Pearson
Barron	Denton	Little	Proctor
Bedford	Dixon	Menton	Teague
Bedsole	Figures		

—25

Nays: —0

And said Bill, H. B. 85, as amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Mitchell
Amari	Cabaniss	Goodwin	Mitchem
Bachus	Cooley	Hilliard	Parsons
Bailey	Corbett	Holmes	Pearson
Barron	Denton	Little	Proctor
Bedford	Dixon	Menton	Teague
Bedsole	Figures		

—25

Nays: —0

The Bill:

S. 537. Relating to Calhoun County; authorizing the county commission to levy an additional  $\frac{1}{2}\text{¢}$  sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Mitchell
Aldridge	Bishop	Goodwin	Mitchem
Amari	Cooley	Holmes	Parsons
Bachus	Corbett	Kirkland	Pearson
Bailey	Denton	Little	Proctor
Barron	Dixon	Menton	Teague
Bedford	Figures		

—25

Nays:

—0

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 277. **RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-seventh legislative day of the 1983 Regular Session only:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 379	Tuskegee Inst.	141
H. B. 21	Diesel Fuel Tax Injection	33
H. B. 523	Bds. of Education Members	3
S. B. 226	Dietitians	45

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

**BILLS ON THIRD READING RESUMED**

The Bill:

H. 725. Relating to the City of Alexander City in Tallapoosa County; authorizing the City of Alexander City to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

was taken up.

Senator Foshee offered the following amendment to the Bill, H. B. 725, to-wit:

**AMENDMENT TO H. B. 725**

Amend H. B. 725, page 3, line 35 thru page 4, line 16 by striking Section 5 in its entirety, and re-numbering subsequent sections.

Further amend H. B. 725, page 4, line 22 by striking the "comma" after

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the word "act" and deleting the words "other than as set forth in Section 5 above,"

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Mitchell	
Aldridge	Bishop	Harrison	Mitchem	
Amari	Cabaniss	Hilliard	Parsons	
Bachus	Cooley	Holmes	Pearson	
Bailey	Corbett	Kirkland	Proctor	
Barron	Denton	Menton	Teague	
Bedford	Dixon			—25

*Nays:* —0

And said Bill, H. B. 725, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Mitchell	
Aldridge	Bishop	Hilliard	Mitchem	
Amari	Cabaniss	Holmes	Parsons	
Bachus	Cooley	Kirkland	Pearson	
Bailey	Corbett	Little	Proctor	
Barron	Denton	Menton	Teague	
Bedford	Dixon			—25

*Nays:* —0

The Bill:

H. 638. Relating to Mobile and Baldwin Counties; to further define the boundary between said counties and the southern boundaries of each of said counties.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Figures	Menton	
Aldridge	Bishop	Foshee	Mitchell	
Amari	Boyington	Hilliard	Mitchem	
Bachus	Cooley	Holmes	Parsons	
Bailey	Corbett	Kirkland	Proctor	
Barron	Denton	Little	Teague	
Bedford	Dixon			—25

*Nays:* —0

The Bill:

H. 790. Relating to Mobile County; providing for an annual distribution to Mobile United, Inc. from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Figures	Menton	
Aldridge	Bishop	Foshee	Mitchell	
Amari	Boyington	Hilliard	Mitchem	
Bachus	Cooley	Holmes	Parsons	
Bailey	Corbett	Kirkland	Proctor	
Barron	Denton	Little	Teague	
Bedford	Dixon			—25

Nays: —0

The Bill:

S. 557. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

was taken up.

Senators Bachus and Proctor offered the following amendment to the Bill, S. B. 557, to-wit:

#### AMENDMENT TO S. B. 557

Amend S. B. 557, on Page 1, immediately following Line 25 by adding a new section to read as follows:

Section 2. It is provided further that licensees which have retail establishments existing as of the effective date of this act shall be exempt from the provisions of this act.

Further amend by renumbering remaining section accordingly.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchem	
Aldridge	Cooley	Holmes	Parsons	
Bachus	Corbett	Kirkland	Proctor	
Barron	Denton	Little	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsole	Figures	Mitchell	Teague	
Bishop	Foshee			—25

Nays: —0

And said Bill, S. B. 557, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedford	Cooley	Figures
Aldridge	Bedsole	Corbett	Foshee
Bachus	Bishop	Denton	Goodwin
Barron	Cabaniss	Dixon	Holmes



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Kirkland	Mitchell	Proctor	Smith (J)	
Little	Mitchem	Smith (B)	Teague	
Menton	Parsons			—25

*Nays:* —0

The Bill:

S. 550. Relating to Pickens County; prohibiting the possession of alcoholic liquors and beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901; providing for exceptions; and providing penalties for violations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Figures	Menton	
Aldridge	Bishop	Foshee	Mitchell	
Amari	Cabaniss	Goodwin	Mitchem	
Bachus	Cooley	Holmes	Parsons	
Bailey	Corbett	Kirkland	Robertson	
Barron	Denton	Little	Teague	
Bedford	Dixon			—25

*Nays:* —0

The Bill:

S. 549. Relating to Pickens County; to provide for the time intervals in which elections may be held as to the question of whether to allow or to prohibit the manufacture and sale of wine, alcoholic liquor or beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Figures	Menton	
Aldridge	Bishop	Foshee	Mitchell	
Amari	Cabaniss	Goodwin	Mitchem	
Bachus	Cooley	Holmes	Parsons	
Bailey	Corbett	Kirkland	Robertson	
Barron	Denton	Little	Teague	
Bedford	Dixon			—25

*Nays:* —0

## RESOLUTIONS

Senator Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 278. CONGRATULATING THE ALABAMA MEDICAL RECORD ASSOCIATION ON ITS 40TH ANNIVERSARY AND JUDY SURJANTO AS ITS 1983 PRESIDENT.

WHEREAS, the Alabama Medical Record Association organized as the

Alabama Medical Record Librarians on March 24, 1943; and

WHEREAS, the Alabama Medical Record Association's first meeting was held at the Tutwiler Hotel in Birmingham and elected Miss Patricia Fuller, Highland Baptist Hospital of Birmingham, President and Miss Gladys Graves, Hillman Hospital, later to be known as the University of Alabama in Birmingham Hospital and Clinics, as Secretary; and

WHEREAS, the first meeting had twenty-seven persons as charter members, representing fourteen hospitals; and

WHEREAS, the Medical Record Librarians have become a more important part of the health care field and are now known as Medical Record Administrators; and

WHEREAS, the Association now has four hundred and ninety-six members; and

WHEREAS, the Alabama Medical Record Association held its 40th Anniversary at its Annual Meeting in Huntsville, Alabama on June 15-17, 1983 during the 62nd Annual Meeting of the Alabama Hospital Association; and

WHEREAS, Bob Davenport presided at the Anniversary meeting and Judy Surjanto became President of the Alabama Medical Record Association during this meeting.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate the Alabama Medical Record Association on its 40th Anniversary and Judy Surjanto as its 1983 President.

On motion of Senator Proctor, the Rules were suspended and the Resolution was adopted by the Senate.

The Bill:

S. 548. Relating to Escambia County; providing further for the compensation of supernumerary circuit clerks; providing for an expense allowance for such supernumerary officials and allocating the amount payable from the county general fund.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Mitchem
Amari	Cooley	Hilliard	Parsons
Bachus	Corbett	Holmes	Pearson
Bailey	Denton	Kirkland	Proctor
Barron	Dixon	Little	Smith (B)
Bedford	Figures	Mitchell	Teague
Bedsole	Foshee		

—25

Nays:

—0

The Bill:

S. 547. To amend further Section 3 of Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597), which act regulates the registration and identification of certain trailers in counties having a population of not less than 60,000 nor more than 68,000 inhabitants according to the 1970 federal decennial census, so as to reduce the local late registration fees on mobile

homes, to provide further for the distribution of such fees, and to make the provisions of this Act effective October 1, 1983.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 547, to-wit:

**COMMITTEE SUBSTITUTE FOR S. B. 547**

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to Lee County, providing further for the registration fees on mobile homes; providing further for the distribution of such fees; providing for an effective date; and repealing Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597).

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to Lee County.

Section 2. Every person, firm, or corporation who owns, maintains, or keeps in Lee County a mobile home, except a mobile home which constitutes a part of his stock as a dealer and except a mobile home which has been assessed for ad valorem taxation as a part of the realty, shall pay an annual registration fee of three dollars (\$3.00). Every person, firm, or corporation who owns, maintains, or keeps a mobile home which is considered for ad valorem tax purposes as separate from the realty on which it sits shall receive a colored decal upon the payment of both his mobile home registration fee and ad valorem taxes on the mobile home. Every person, firm, or corporation who owns, maintains, or keeps a mobile home which is considered for ad valorem tax purposes as a part of the realty on which it sits shall receive an alternative color decal upon the payment of the ad valorem tax on said mobile home. Said decals shall be designed by the state department of revenue and displayed on the trailer for which the registration fee and/or ad valorem taxes was paid on or near the front entrance in such manner that it shall be readily accessible to the view of the license inspector. Such fee shall be paid to the judge of probate in the county and shall be due, payable, and delinquent at the same times that motor vehicle licenses are due, payable, and delinquent. After payment of administrative expenses, including designer's fees, said judge shall distribute the proceeds of such registration fees at the same time and in the same proportions and under the same pains and penalties as the proceeds of motor vehicle license fees are distributed and said judge shall be entitled to the same commissions or allowances for so collecting and disbursing these registration fees as he receives for handling funds derived from issuing motor vehicle license tags in the county.

Section 3. The owner of any mobile home who fails to pay the registration fee hereby provided for or who fails to display the identification plate or decal on such mobile home, as required in Section 2 of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). In addition to all applicable state fines and other criminal sanctions, a penalty of ten dollars (\$10.00) shall be assessed against any person, firm, or corporation who fails to pay their registration fee at the proper time. The ten dollar (\$10.00) penalty shall be distributed as follows: five dollars (\$5.00) to the county general fund and five dollars (\$5.00) to the office of the

license inspector.

Section 4. The judge of probate in Lee County and the state department of revenue are hereby empowered to promulgate and carry out all rules and regulations necessary to implement the provisions of this Act.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed, and specifically Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597), is repealed.

Section 6. The provisions of this Act shall become effective October 1, 1983.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Parsons	
Aldridge	Bishop	Goodwin	Pearson	
Amari	Cabaniss	Holmes	Proctor	
Bachus	Corbett	Little	Smith (B)	
Bailey	Denton	Mitchell	Smith (J)	
Barron	Dixon	Mitchem	Teague	
Bedford	Figures			—25

Nays: —0

And said Bill, S. B. 547, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Parsons	
Aldridge	Bishop	Goodwin	Pearson	
Amari	Cabaniss	Holmes	Proctor	
Bachus	Corbett	Little	Smith (B)	
Bailey	Denton	Mitchell	Smith (J)	
Barron	Dixon	Mitchem	Teague	
Bedford	Figures			—25

Nays: —0

The Bill:

S. 546. Relating to Limestone County; prohibiting residents of the City of Athens from voting in the election of the county superintendent and county board of education.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 546, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 546

On page one, line 15, delete the period and add the following:

; and the provisions of this act shall be subject to an advisory referendum with the qualified electors voting thereon.

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On page one after Section 2, add the following new Section 3 as follows:

Section 3. The county governing body shall provide for an advisory election to be held at the next county-wide election held not earlier than ninety days after the passage of this act. Such election shall be held in the same manner as all other county-wide elections. On the ballot at such election the question shall be substantially as follows:

“Do you favor excluding the residents of the City of Athens from voting in the election of the Limestone County superintendent of education and county board of education. Yes \_\_\_\_\_ No \_\_\_\_\_?”

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Foshee	Mitchell
Amari	Cabaniss	Goodwin	Mitchem
Bachus	Cooley	Holmes	Parsons
Bailey	Corbett	Kirkland	Pearson
Barron	Denton	Little	Proctor
Bedford	Dixon	Menton	Smith (J)
Bedsole	Figures		

—25

*Nays:* —0

And said Bill, S. B. 546, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Foshee	Mitchell
Amari	Cabaniss	Goodwin	Mitchem
Bachus	Cooley	Holmes	Parsons
Bailey	Corbett	Kirkland	Pearson
Barron	Denton	Little	Proctor
Bedford	Dixon	Menton	Smith (J)
Bedsole	Figures		

—25

*Nays:* —0

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Reverend John Thomas Porter to the Pardons and P-roles Board.

On motion of Senator Pearson, the appointment of the Reverend Porter was confirmed by the Senate.

Yeas 22; Nays 0.

*Yeas:*

Senators:	Aldridge	Amari	Bachus
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Bailey	Cabaniss	Hilliard	Robertson	
Barron	Corbett	Kirkland	Smith (B)	
Bedsole	Covington	Parsons	Smith (J)	
Bishop	Denton	Pearson	Teague	
Boyington	Figures	Proctor		—22
Nays:				—0

**BILLS ON THIRD READING RESUMED****The Bill:**

S. 277. To provide for an adjustment in certain benefits paid under the pension and relief system for policemen and firemen of the City of Mobile to retired members of such system who retired after October 1, 1977, and before May 4, 1978.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

**Yeas:**

Senators:	Bedsole	Foshee	Mitchell	
Aldridge	Boyington	Goodwin	Mitchem	
Amari	Cooley	Holmes	Parsons	
Bachus	Corbett	Kirkland	Pearson	
Bailey	Denton	Little	Proctor	
Barron	Dixon	Menton	Teague	
Bedford	Figures			—25
Nays:				—0

**The Bill:**

H. 527. Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Senators:	Cabaniss	Holmes	Parsons	
Aldridge	Cooley	Kirkland	Pearson	
Amari	Corbett	Little	Proctor	
Bachus	Denton	Menton	Smith (B)	
Bailey	Figures	Mitchell	Smith (J)	
Bedford	Foshee	Mitchem	Teague	
Bishop	Hilliard			—25
Nays:				—0

**The Bill:**

H. 528. Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or ac-

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commodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted by the 1983 Alabama State Legislature, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Boyington	Holmes	Parsons
Aldridge	Cooley	Kirkland	Pearson
Amari	Corbett	Little	Proctor
Bachus	Denton	Menton	Smith (B)
Bailey	Figures	Mitchell	Smith (J)
Bedford	Foshee	Mitchem	Teague
Bishop	Goodwin		

—25

Nays: —0

The Bill:

H. 609. Relating to Baldwin County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Mitchell
Aldridge	Boyington	Goodwin	Mitchem
Amari	Cooley	Hilliard	Parsons
Bachus	Corbett	Holmes	Pearson
Bailey	Denton	Kirkland	Proctor
Barron	Dixon	Little	Teague
Bedford	Figures		

—25

Nays: —0

The Bill:

H. 639. Relating to Limestone County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Limestone County Jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act and to repeal all laws or parts of laws which con-

flict with this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Mitchell	
Aldridge	Bishop	Goodwin	Mitchem	
Amari	Cooley	Holmes	Parsons	
Bachus	Corbett	Kirkland	Pearson	
Bailey	Denton	Little	Proctor	
Barron	Dixon	Menton	Smith (J)	
Bedford	Figures			—25

*Nays:* —0

The Bill:

H. 640. Relating to Limestone County; amending Act No. 79-501, S. 620, 1979 Regular Session, as amended, which provides for the distribution of T.V.A. payments, so as to provide further for said payments.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Mitchell	
Aldridge	Bishop	Goodwin	Mitchem	
Amari	Cooley	Holmes	Parsons	
Bachus	Corbett	Kirkland	Pearson	
Bailey	Denton	Little	Proctor	
Barron	Dixon	Menton	Smith (J)	
Bedford	Figures			—25

*Nays:* —0

The Bill:

H. 641. Relating to Limestone County; amending Act No. 81-510, S. 572, 1981 Regular Session, so as to provide further for the distribution of a special recording fee on documents filed in the probate office.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Mitchell	
Aldridge	Bishop	Goodwin	Mitchem	
Amari	Cooley	Holmes	Parsons	
Bachus	Corbett	Kirkland	Pearson	
Bailey	Denton	Little	Proctor	
Barron	Dixon	Menton	Smith (J)	
Bedford	Figures			—25

*Nays:* —0

The Bill:

H. 688. Relating to Pike County; prescribing and further providing for the meeting dates of the Pike County Commission.



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was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Mitchell
Aldridge	Bishop	Goodwin	Mitchem
Amari	Cooley	Holmes	Parsons
Bachus	Covington	Kirkland	Pearson
Bailey	Denton	Little	Proctor
Barron	Dixon	Menton	Teague
Bedford	Figures		

—25

*Nays:* —0

The Bill:

H. 689. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Goodwin	Mitchem
Aldridge	Cooley	Holmes	Parsons
Bachus	Corbett	Kirkland	Proctor
Bailey	Denton	Little	Smith (B)
Barron	Dixon	Menton	Smith (J)
Bedford	Figures	Mitchell	Teague
Bedsole	Foshee		

—25

*Nays:* —0

The Bill:

H. 733. Relating to Bullock County; to amend Section 2, Act No. 241, 1976 Regular Session of the Alabama Legislature pertaining to levying and collecting assessments on forestlands in Bullock County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Foshee	Menton
Amari	Cabaniss	Goodwin	Mitchem
Bachus	Cooley	Hilliard	Parsons
Bailey	Covington	Holmes	Pearson
Barron	Denton	Kirkland	Proctor
Bedford	Dixon	Little	Teague
Bedsole	Figures		

—25

*Nays:* —0

The Bill:

H. 748. Relating to Coffee County; providing an expense allowance for members of the county board of education; prescribing the manner of pay-

ment; and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Harrison	Mitchell	
Aldridge	Bishop	Hilliard	Mitchem	
Amari	Cooley	Holmes	Parsons	
Bachus	Corbett	Kirkland	Pearson	
Bailey	Denton	Little	Proctor	
Barron	Dixon	Menton	Teague	
Bedford	Foshee			—25

Nays:

—0

The Bill:

S. 544. To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of retail electric service; to provide procedures for eliminating or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Parsons	
Amari	Corbett	Goodwin	Pearson	
Bachus	Covington	Hilliard	Proctor	
Barron	deGraffenried	Kirkland	Smith (B)	
Bedford	Denton	Little	Smith (J)	
Bishop	Dixon	Menton	Teague	
Cabaniss	Figures			—25

Nays:

—0

The Bill:

H. 755. To provide that the judge of probate of Pike County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for employees who shall serve at the pleasure of said judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Amari	Bachus	Bailey
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Barron	Covington	Holmes	Mitchem
Bedford	Denton	Kirkland	Parsons
Bedsole	Dixon	Little	Pearson
Bishop	Figures	Menton	Proctor
Cabaniss	Foshee	Mitchell	Teague
Cooley	Hilliard		—25
<i>Nays:</i> <span style="float: right;">—0</span>			

The Bill:

H. 772. Relating to Henry County only; fixing the fee for issuance of a pistol permit by the sheriff; providing for the distribution and use of such fees; and repealing all laws in conflict herewith.  
was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Mitchell
Aldridge	Cooley	Hilliard	Mitchem
Amari	Covington	Holmes	Parsons
Bailey	Denton	Kirkland	Pearson
Bedford	Dixon	Little	Proctor
Bedsole	Figures	Menton	Teague
Bishop	Foshee		—25
<i>Nays:</i> <span style="float: right;">—0</span>			

The Bill:

H. 773. Relating to Henry County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Mitchell
Aldridge	Cooley	Hilliard	Mitchem
Amari	Covington	Holmes	Parsons
Bailey	Denton	Kirkland	Pearson
Bedford	Dixon	Little	Proctor
Bedsole	Figures	Menton	Teague
Bishop	Foshee		—25
<i>Nays:</i> <span style="float: right;">—0</span>			

**MOTION TO RECESS LOST**

At 12:50 P.M., Senator Hilliard moved that the Senate take a recess until 2 o'clock P.M., which motion was lost.

**BILLS ON THIRD READING RESUMED**

The Bill:

H. 820. Relating to Tuscaloosa County, to amend Sections 1 and 2 of

Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), which act deals with the issuance of pistol permits in certain counties classified on a population basis, so as to provide further for fees and renewals.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Figures	Menton	
Aldridge	Bishop	Foshee	Mitchem	
Amari	Cabaniss	Goodwin	Parsons	
Bachus	Cooley	Holmes	Pearson	
Bailey	Corbett	Kirkland	Proctor	
Barron	deGraffenried	Little	Teague	
Bedford	Dixon			—25

Nays: —0

The Bill:

H. 821. To authorize a procedure whereby the sheriff of Tuscaloosa County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of Tuscaloosa County and stored by said department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Tuscaloosa County, Alabama, or by posting in a conspicuous place at the Tuscaloosa County courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the sheriff of Tuscaloosa County, Alabama, may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Tuscaloosa County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Figures	Menton	
Aldridge	Bishop	Foshee	Mitchell	
Amari	Cooley	Hilliard	Mitchem	
Bachus	Corbett	Holmes	Parsons	
Bailey	deGraffenried	Kirkland	Proctor	
Barron	Denton	Little	Robertson	
Bedford	Dixon			—25

Nays: —0

The Bill:

H. 13. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk,

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clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect. was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Figures	Menton
Aldridge	Bishop	Foshee	Mitchell
Amari	Cabaniss	Goodwin	Mitchem
Bachus	Cooley	Holmes	Parsons
Bailey	Covington	Kirkland	Proctor
Barron	Denton	Little	Teague
Bedford	Dixon		

—25

*Nays:* —0

The Bill:

H. 29. Relating to Washington County; to provide for the election of members of the county commission by districts. was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Mitchem
Aldridge	Cabaniss	Goodwin	Parsons
Amari	Cooley	Holmes	Proctor
Bachus	Corbett	Kirkland	Smith (B)
Bailey	Denton	Little	Smith (J)
Barron	Dixon	Mitchell	Teague
Bedsole	Figures		

—25

*Nays:* —0

The Bill:

H. 30. To provide an additional expense allowance for the coroner of Washington County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Menton
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Hilliard	Parsons
Bachus	Corbett	Holmes	Pearson
Bailey	Denton	Kirkland	Proctor
Barron	Dixon	Little	Teague
Bedsole	Figures		

—25

*Nays:* —0

The Bill:

H. 31. Relating to Washington County; amending Act No. 503, H. 1005 of the 1978 Regular Session, so as to provide further for the compensation of poll workers.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Boyington	Foshee	Menton
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Hilliard	Parsons
Bachus	Corbett	Holmes	Pearson
Bailey	Denton	Kirkland	Proctor
Barron	Dixon	Little	Teague
Bedsole	Figures		

—25

Nays:

—0

The Bill:

H. 38. Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 38, to-wit:

### COMMITTEE SUBSTITUTE FOR H. B. 38

#### A BILL TO BE ENTITLED AN ACT

Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge and the circuit clerk of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge and the circuit clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. In Washington County, Alabama, the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge and the circuit clerk shall be entitled to additional expense allowances retroactive to January 1, 1983, as follows: The judge of probate shall be entitled to an expense allowance of \$325 per month; each member of the county commission shall be entitled to an expense allowance of \$385 per month; such tax assessor and tax collector shall each be entitled to an expense allowance of \$335 per month; such district judge shall be entitled to an expense allowance of \$200 per month; and such circuit clerk shall be entitled to an expense allowance of \$200 per month.

Section 2. At the beginning of the next term of office for the judge of probate, the tax assessor, the tax collector and the members of the county commission, the additional expense allowances herein provided for such offi-

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cials shall be incorporated into their base salaries which shall be paid to them in lieu of these expense allowances; provided, however, that this proviso shall not affect the district judge or the circuit clerk, each of whom shall continue to receive the expense allowances herein provided for in addition to their salaries.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Menton
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Hilliard	Parsons
Bachus	Corbett	Holmes	Pearson
Bailey	Denton	Kirkland	Proctor
Barron	Dixon	Little	Teague
Bedsole	Figures		

—25

*Nays:* —0

And said Bill, H. B. 38, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Menton
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Hilliard	Parsons
Bachus	Corbett	Holmes	Pearson
Bailey	Denton	Kirkland	Proctor
Barron	Dixon	Little	Teague
Bedsole	Figures		

—25

*Nays:* —0

The Bill:

H. 39. Relating to Washington County; amending Act No. 579, H. 1656 of the 1975 Regular Session, to provide further for an expense allowance for members of the county board of education.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bailey	Cabaniss	Dixon
Aldridge	Barron	Cooley	Figures
Amari	Bedsole	Corbett	Foshee
Bachus	Boyington	Denton	Goodwin

Hilliard	Little	Parsons	Proctor	
Holmes	Menton	Pearson	Teague	
Kirkland	Mitchem			—25

Nays:				—0
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The Bill:

H. 119. Relating to Pickens County; providing for an increase in court costs and providing for the disposition of the proceeds from such increase and providing for the conditions upon which the provisions of this act shall become effective.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Figures	Menton	
Aldridge	Bishop	Foshee	Mitchell	
Amari	Cabaniss	Goodwin	Mitchem	
Bachus	Cooley	Hilliard	Parsons	
Bailey	Corbett	Holmes	Proctor	
Barron	deGraffenried	Little	Teague	
Bedford	Dixon			—25

Nays:				—0
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The Bill:

H. 120. Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Figures	Menton	
Aldridge	Bishop	Foshee	Mitchell	
Amari	Cabaniss	Hilliard	Mitchem	
Bachus	Cooley	Holmes	Parsons	
Bailey	Corbett	Kirkland	Proctor	
Barron	deGraffenried	Little	Teague	
Bedford	Dixon			—25

Nays:				—0
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The Bill:

H. 131. Relating to Baldwin County; to provide for a special recording fee on documents filed in the office of the Judge of Probate; to provide that such special recording fee be used for the purpose of acquiring and maintaining electronic data processing equipment for the office of the Judge of Probate and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.



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*Yeas:*

Senators:	Bedsole	Foshee	Menton	
Aldridge	Boyington	Goodwin	Mitchem	
Amari	Cooley	Hilliard	Parsons	
Bachus	Corbett	Holmes	Pearson	
Bailey	Denton	Kirkland	Proctor	
Barron	Dixon	Little	Teague	
Bedford	Figures			—25

*Nays:* —0

The Bill:

H. 132. To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Menton	
Aldridge	Boyington	Goodwin	Mitchem	
Amari	Cooley	Hilliard	Parsons	
Bachus	Corbett	Holmes	Pearson	
Bailey	Denton	Kirkland	Proctor	
Barron	Dixon	Little	Teague	
Bedford	Figures			—25

*Nays:* —0

The Bill:

H. 135. Relating to Baldwin County; authorizing the Baldwin County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Menton	
Aldridge	Boyington	Goodwin	Mitchem	
Amari	Cooley	Hilliard	Parsons	
Bachus	Corbett	Holmes	Pearson	
Bailey	Denton	Kirkland	Proctor	
Barron	Dixon	Little	Teague	
Bedford	Figures			—25

*Nays:* —0

**MESSAGE FROM THE HOUSE****Mr. President:**

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 163. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively, under the auspices of the state board of education; and to provide a method for funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect, under certain conditions, to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance.

JOHN W. PEMBERTON,  
Clerk.

**BILLS ON THIRD READING RESUMED****The Bill:**

H. 187. Relating to Mobile County; establishing and providing for the Mobile County Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from Act No. 82-427, 1982 Regular Session; and providing for the forfeiture of certain funds upon falsification of registration forms.

was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Senators:	Boyington	Hilliard	Parsons
Aldridge	Cooley	Holmes	Pearson
Amari	Corbett	Kirkland	Proctor
Bachus	Denton	Little	Smith (B)
Bailey	Figures	Menton	Smith (J)
Barron	Goodwin	Mitchem	Teague
Bedsole	Harrison		

—25

**Nays:**

—0

**The Bill:**

H. 335. Relating to selling and redeeming lands for taxes in Henry County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

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*Yeas:*

Senators:	Cabaniss	Hilliard	Mitchem
Aldridge	Cooley	Holmes	Parsons
Amari	Covington	Kirkland	Proctor
Bailey	Denton	Little	Smith (B)
Bedford	Dixon	Menton	Smith (J)
Bedsale	Figures	Mitchell	Teague
Bishop	Foshee		

—25

*Nays:* —0

**The Bill:**

**H. 346.** Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

was read a third time at length and passed.

**Yeas 25; Nays 0.**

*Yeas:*

Senators:	Cabaniss	Goodwin	Mitchell
Aldridge	Cooley	Hilliard	Mitchem
Amari	Covington	Holmes	Parsons
Bailey	Denton	Kirkland	Pearson
Bedford	Dixon	Little	Proctor
Bedsale	Figures	Menton	Teague
Bishop	Foshee		

—25

*Nays:* —0

**The Bill:**

**H. 451.** To provide for the protection of forests within Choctaw County and to assess the whole or a part of the cost thereof, within a prescribed limit against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

was read a third time at length and passed.

**Yeas 25; Nays 0.**

*Yeas:*

Senators:	Bishop	Goodwin	Mitchell
Amari	Cooley	Hilliard	Mitchem
Bachus	Corbett	Holmes	Parsons
Bailey	deGraffenried	Kirkland	Pearson
Barron	Dixon	Little	Proctor
Bedford	Figures	Menton	Robertson
Bedsale	Foshee		

—25

*Nays:* —0

**The Bill:**

**H. 504.** To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Lawrence County and to provide for the use of such fees.

was read a third time at length and passed.

**Yeas 25; Nays 0.**

*Yeas:*

<b>Senators:</b>	<b>Bishop</b>	<b>Foshee</b>	<b>Mitchell</b>	
Aldridge	Cabaniss	Goodwin	Mitchem	
Bachus	Cooley	Holmes	Parsons	
Bailey	Corbett	Kirkland	Pearson	
Barron	Denton	Little	Proctor	
Bedford	Dixon	Menton	Teague	
Bedsole	Figures			—25

*Nays:*

—0

**The Bill:**

H. 519. To provide for branch banking in Pickens County.  
was read a third time at length and passed.

Yeas 25; Nays 1.

*Yeas:*

<b>Senators:</b>	<b>Bedsole</b>	<b>Foshee</b>	<b>Mitchell</b>	
Aldridge	Bishop	Goodwin	Mitchem	
Amari	Cooley	Holmes	Parsons	
Bachus	Corbett	Kirkland	Pearson	
Bailey	deGraffenried	Little	Proctor	
Barron	Dixon	Menton	Teague	
Bedford	Figures			—25

*Nay:* Senator Robertson

—1

**The Bill:**

H. 520. Relating to Pickens County; to amend Section 1 of Act No. 529, H. 574, 1971 Regular Session (Acts 1971, p. 1256), relating to the issuance of pistol permits in certain counties classified on a population basis, so as to increase the issuance fee for pistol permits and to provide further for the disposition of such fees.

was read a third time at length and passed.

Yeas 25; Nays 1.

*Yeas:*

<b>Senators:</b>	<b>Bishop</b>	<b>Goodwin</b>	<b>Mitchell</b>	
Amari	Cooley	Hilliard	Mitchem	
Bachus	Corbett	Holmes	Parsons	
Bailey	deGraffenried	Kirkland	Pearson	
Barron	Dixon	Little	Proctor	
Bedford	Figures	Menton	Teague	
Bedsole	Foshee			—25

*Nay:* Senator Robertson

—1

**The Bill:**

H. 53. Relating to Colbert County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the fol-

lowing substitute for the Bill, H. B. 53, to-wit:

**COMMITTEE SUBSTITUTE FOR H. B. 53**

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating to Colbert County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law to the contrary notwithstanding, in Colbert County, the proceeds of the beer tax collected pursuant to Act No. 82-344, H. 165, 1982 Regular Session shall be distributed as follows: One cent per twelve (12) fluid ounces or fractional part thereof on all beer sold, within the county shall be paid to the probate judge and the proceeds shall be distributed by him as follows:

Two-fifths (2/5ths) to the hospital fund of the county;

One-tenth (1/10th) to the county board of education for the benefit of the schools outside of the cities of Sheffield, Tuscumbia, and Muscle Shoals;

One-tenth (1/10th) to the Sheffield board of education for the benefit of the schools of Sheffield;

One-tenth (1/10th) to the Tuscumbia Board of Education for the benefit of the schools of the City of Tuscumbia;

One-tenth (1/10th) to the Muscle Shoals Board of Education for the benefit of the schools of Muscle Shoals;

And, one-fifth (1/5th) to the general fund of the county. For such services, the probate judge shall be entitled to commissions of two and one-half percent (2½ %) of all taxes collected. Effective January 1, 1985, in lieu of the probate judge, the county commission shall distribute taxes collected without any commission.

The remainder of the tax shall be paid to the municipalities where sold.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Boyington	Goodwin	Mitchell
Aldridge	Cabaniss	Hilliard	Mitchem
Amari	Cooley	Holmes	Parsons
Bachus	Corbett	Kirkland	Pearson
Bailey	Denton	Little	Proctor
Bedford	Figures	Menton	Teague
Bishop	Foshee		

—25

Nays:

—0

And said Bill, H. B. 53, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Boyington	Goodwin	Mitchell
Aldridge	Cabaniss	Hilliard	Mitchem
Amari	Cooley	Holmes	Parsons
Bachus	Corbett	Kirkland	Pearson
Bailey	Denton	Little	Proctor
Bedford	Figures	Menton	Teague
Bishop	Foshee		

—25

*Nays:*

—0

**MESSAGE FROM THE HOUSE****Mr. President Pro Tem:**

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 163. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively, under the auspices of the state board of education; and to provide a method for funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect, under certain conditions, to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**BILLS ON THIRD READING RESUMED****The Bill:**

S. 200. Relating to the City of Huntsville; to regulate further the election and terms of office of the mayor and city councilmen; and to provide that the provisions of this Act shall repeal and supersede the provisions of Section One of Act No. 738 of the 1971 Regular Session of the Legislature of Alabama, insofar as it applies to the City of Huntsville.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

**REGULAR SESSION  
27th Day**

1105

*Yeas:*

<b>Senators:</b>	<b>Cabaniss</b>	<b>Goodwin</b>	<b>Mitchell</b>
<b>Aldridge</b>	<b>Cooley</b>	<b>Hilliard</b>	<b>Mitchem</b>
<b>Amari</b>	<b>Corbett</b>	<b>Holmes</b>	<b>Parsons</b>
<b>Bachus</b>	<b>Denton</b>	<b>Kirkland</b>	<b>Proctor</b>
<b>Barron</b>	<b>Dixon</b>	<b>Little</b>	<b>Smith (B)</b>
<b>Bedsole</b>	<b>Figures</b>	<b>Menton</b>	<b>Smith (J)</b>
<b>Bishop</b>	<b>Foshee</b>		

—25

*Nays:* —0

**The Bill:**

**S. 329.** Relating to Madison County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 329, to-wit:

**COMMITTEE AMENDMENT TO S. B. 329**

Amend S. 329 as follows:

On page 1, Section 2, in line 34, after the period add the following:

Provided, however, that in the police jurisdiction the respective municipalities therein shall receive 50% of such sums collected therein, and the counties shall receive 50% of such sums collected to be distributed equally between the Madison County Board of Education and the Madison County Rural Water Department.

On page 1, Section 2, in line 34, after the word "Provided" add the word:

further

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

<b>Senators:</b>	<b>Cabaniss</b>	<b>Goodwin</b>	<b>Mitchell</b>
<b>Aldridge</b>	<b>Cooley</b>	<b>Hilliard</b>	<b>Mitchem</b>
<b>Amari</b>	<b>Corbett</b>	<b>Holmes</b>	<b>Parsons</b>
<b>Bachus</b>	<b>Denton</b>	<b>Kirkland</b>	<b>Proctor</b>
<b>Barron</b>	<b>Dixon</b>	<b>Little</b>	<b>Smith (B)</b>
<b>Bedsole</b>	<b>Figures</b>	<b>Menton</b>	<b>Smith (J)</b>
<b>Bishop</b>	<b>Foshee</b>		

—25

*Nays:* —0

And said Bill, S. B. 329, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

<b>Senators:</b>	<b>Aldridge</b>	<b>Amari</b>	<b>Bachus</b>
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Barron	Denton	Holmes	Mitchem	
Bedsole	Dixon	Kirkland	Parsons	
Bishop	Figures	Little	Proctor	
Cabaniss	Foshee	Menton	Smith (B)	
Cooley	Goodwin	Mitchell	Smith (J)	
Corbett	Hilliard			—25
Nays:				—0

## The Bill:

S. 407. Relating to the portions of Madison, Jackson and DeKalb Counties which comprise State Senate District 8, so as to create an economic development committee and the position of comprehensive economic development coordinator and to provide for the duties, funding and compensation of said committee and coordinator.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

## Yeas:

Senators:	Boyington	Foshee	Menton	
Aldridge	Cabaniss	Goodwin	Mitchem	
Amari	Cooley	Hilliard	Pearson	
Bachus	Corbett	Holmes	Proctor	
Barron	Denton	Kirkland	Smith (B)	
Bedsole	Dixon	Little	Smith (J)	
Bishop	Figures			—25
Nays:				—0

## The Bill:

S. 552. To approve the proposal of the governing body of the City of Huntsville and the Board of Education of the City of Huntsville, relating to the special school taxes heretofore levied pursuant to Amendment No. 305 of the Constitution of Alabama of 1901, that the rate of said special school taxes be increased above the limit provided by said Amendment No. 305 so as to increase the total rate of ad valorem taxes to be levied and collected pursuant to Amendment No. 305 by 65¢ on each one hundred dollars worth of taxable property (6½ mills), making the total levy pursuant to Amendment No. 305, 11½ mills; providing for an election by the qualified electors of the City of Huntsville at a special election called and held in accordance with law governing special elections; and providing for an effective date for this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

## Yeas:

Senators:	Bishop	Figures	Little	
Aldridge	Cabaniss	Foshee	Menton	
Amari	Cooley	Goodwin	Mitchell	
Bachus	Corbett	Hilliard	Mitchem	
Barron	Denton	Holmes	Parsons	
Bedsole	Dixon	Kirkland	Proctor	



## 1107

**Nays:** —0

S. 554. To authorize the governing body of the City of Huntsville in Madison County to regulate and permit the sale and consumption of alcoholic beverages upon the licensed premises of licensees of the Alabama Alcoholic Control Board and licensees of the City of Huntsville on Sunday; to provide that the provisions of this act are cumulative, and that the act shall not be held to repeal any other general or special act; and to provide an effective date for this act.

**Yeas 25; Nays 1.**

<b>Senators:</b>	<b>Boyington</b>	<b>Foshee</b>	<b>Menton</b>
<b>Aldridge</b>	<b>Cabaniss</b>	<b>Goodwin</b>	<b>Mitchell</b>
<b>Amari</b>	<b>Cooley</b>	<b>Hilliard</b>	<b>Mitchem</b>
<b>Bachus</b>	<b>Corbett</b>	<b>Holmes</b>	<b>Parsons</b>
<b>Barron</b>	<b>Denton</b>	<b>Kirkland</b>	<b>Proctor</b>
<b>Bedsole</b>	<b>Dixon</b>	<b>Little</b>	<b>Smith (B)</b>
<b>Bishop</b>	<b>Figures</b>		

—25

**Nay: Senator Smith (J)** **-1**

On motion of Senator Robertson, Rule 36 was suspended to allow transmittal to the House of the above Senate Local Bills.

**Senator Foshee offered the following Senate Resolution, to-wit:**

**S. R. 279. CONGRATULATING SENATOR J. FOY COVINGTON, JR., ON HIS BIRTHDAY.**

**Which was adopted.**

The Senate proceeded to consideration of the next special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 379. To make a supplemental appropriation for the current fiscal year ending September 30, 1983, from the accumulated interest in the Oil and Gas Windfall Construction Fund to Tuskegee Institute in order to match certain federal appropriations, which shall be used exclusively for the construction of the General Daniel "Chappie" James Aerospace and Aviation Memorial on the Tuskegee Institute campus.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 379, to-wit:

## COMMITTEE SUBSTITUTE FOR S. B. 379

A BILL  
TO BE ENTITLED  
AN ACT

To make an appropriation of certain Trust Income from the Alabama Heritage Trust Income Account to Tuskegee Institute for capital outlay for the fiscal year ending September 30, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the Alabama Heritage Trust Income Account, to Tuskegee Institute for capital outlay, out of trust fund moneys subject to appropriation and not otherwise appropriated, the sum of \$3,245,000, such sum to be paid out of trust fund income other than income realized on the sale of trust fund assets, but only to the extent (a) such income exceeds the sum of \$66,680,284, the amount of income anticipated to be transferred from said account to the General Fund of the State pursuant to the Act that was introduced as House Bill 236 (the General Appropriations Bill) at the 1983 Regular Session of the Legislature of Alabama, and (b) such income is remaining in the Alabama Heritage Trust Income Account on September 30, 1984. The sum total is hereby made an absolute appropriation over and above any appropriations heretofore made to Tuskegee Institute for the fiscal year 1983-84.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Hilliard	Parsons	
Aldridge	Corbett	Holmes	Robertson	
Bailey	Covington	Kirkland	Smith (B)	
Bedford	Dixon	Little	Teague	
Boyington	Figures	Mitchem		—18

Nays: —0

And said Bill, S. B. 379, as thus amended by the substitute, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:	Corbett	Hilliard	Parsons	
Bailey	Covington	Holmes	Pearson	
Bedford	Denton	Kirkland	Robertson	
Bedsole	Figures	Little	Smith (B)	
Boyington	Foshee	Mitchell	Smith (J)	
Cabaniss	Goodwin	Mitchem	Teague	
Cooley				—24

Nays:

—0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, S.B. 379, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### RESOLUTION

Senators Bedford, Bishop, Covington, Teague, Corbett, Aldridge, Foshee, Mitchell, Little, Smith (B), Smith (J), Harrison, Dixon, Robertson, Denton, Hilliard, Amari, Bailey, Cabaniss, Boyington, Cooley, Mitchem, Bachus, Bedsole, Barron, Parsons, Menton, Goodwin and Figures offered the following Senate Resolution, to-wit:

S. R. 280. COMMENDING THE HONORABLE JOHN HERSCHEL GLENN, UNITED STATES SENATOR FROM OHIO, IN RECOGNITION OF JOHN GLENN DAY IN THE STATE OF ALABAMA, JULY 19, 1983.

Which was adopted.

### MOTION TO ADJOURN

Senator Proctor moved that when the Senate adjourns today, it adjourn to meet again on Friday, July 22, 1983, at 12:01 A.M.

Senator Mitchell offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Friday, July 22, 1983, at 2 o'clock P.M., which motion was lost.

The question recurred on the motion of Senator Proctor, that when the Senate adjourns today, it adjourn to meet again on Friday, July 22, 1983, at 12:01 A.M., which motion was adopted.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 21. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include diesel fuel used for off-highway agricultural purposes.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:	Covington	Kirkland	Pearson
Amari	Denton	Little	Proctor
Bailey	Dixon	Menton	Robertson
Barron	Foshee	Mitchell	Smith (B)
Bedsole	Harrison	Mitchem	Smith (J)
Boyington	Holmes	Parsons	Teague
Cabaniss			

—24

Nays:

—0

The Bill:

H. 523. To authorize local city and county boards of education to establish reasonable compensation plans for members.

was taken up.

Senator Denton requested and received permission to suspend the

Rules in order to bring up the Bill:

H. 798. To provide for the criminal offense of theft of trade secrets and to prescribe penalty for conviction of such offense.

And said Bill, H. B. 798, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Boyington	Kirkland	Proctor	
Bachus	Cabaniss	Little	Robertson	
Bailey	Denton	Menton	Smith (B)	
Barron	Foshee	Mitchem	Smith (J)	
Bedford	Goodwin	Parsons	Teague	
Bedsole	Holmes	Pearson		—22

Nays:

—0

The Bill:

S. 226. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles and to prescribe penalties for violations of this Act.  
was taken up.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 226, to-wit:

### COMMITTEE SUBSTITUTE FOR S. B. 226

#### A BILL TO BE ENTITLED AN ACT

To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles; and to prescribe penalties for violations of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Any person representing himself or herself as a dietitian or nutritionist shall first meet the following qualifications set forth below in (1) through (4) of this Section 1.(a) or (5) below of this Section 1.(a):

(1) Prior to the enactment hereof, such persons shall have been granted the right to use the term "dietitian" or "nutritionist" by the American Dietetic Association or shall have been granted by the United States Government as shall have been specifically allowed by an act of Congress or shall have been granted said right by a state government, or agency thereof, according to powers specifically allowed by appropriate legislative branches,

(2) Be 19 years of age or older,

(3) Have satisfactorily completed appropriate academic requirements in the field of dietetics and related disciplines as approved by the American Dietetic Association and have received a baccalaureate or higher degree from the college or university accredited by the Southern Association of Colleges and Universities or similar accreditation agency,

(4) Have satisfactorily completed a program of supervised clinical ex-

~~perience of not less than six months in length that is designed to prepare entry-level practitioners through instruction and assignments approved by the Committee on Dietetic Registration of the American Dietetic Association, or~~

(5) Have received a Master's Degree or Doctorate Degree in Nutrition from a college or university accredited by the Southern Association of Colleges and Universities or similar accreditation agency, or shall maintain membership in one of the following organizations: American Institute of Nutrition (AIN); American Society for Clinical Nutrition (ASCN); American Board of Nutrition (ABN).

(b) Any person representing himself or herself as a "registered dietitian" shall meet the following qualifications:

(1) Possess all of the qualifications required for Section 1 (a), (1.) through (4.), above and

(2) Have satisfactorily completed an examination propounded and administered under the auspices of the American Dietetic Association, and

(3) Have satisfactorily completed courses of continuing education as currently required by the Commission on Dietetic Registration of the American Dietetic Association.

Section 2. In addition to other rights granted a registered dietitian, by whatever name, and notwithstanding any other provision of law, a registered dietitian meeting the qualifications set forth in Section 1, above, may, upon referral by a health care provider authorized to prescribe dietary treatments,

(i) assess the nutritional needs of individuals and groups, and determine the source of constraints in the various practice settings;

(ii) establish priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints;

(iii) provide nutrition counseling in both health and disease;

(iv) develop, implement and manage systems in nutrition care;

(v) evaluate the needs, make changes and maintain appropriate standards of quality in food and nutrition services.

for individuals or groups of patients in licensed institutional facilities or in private office settings.

Section 3. It is a Class C misdemeanor for any person not meeting the criteria of Section 1, to use, in connection with his or her name or place of business, the word "dietitian", "dietician", "nutritionist", "registered dietitian", "registered dietician" or the letters "D", "R.D.", or any other words, letters, abbreviations, or insignia indicating or implying that the person is a dietitian/nutritionist, or registered dietitian, or to represent, in any way, orally, in writing, in print or by signature, directly or by implication, that he or she is a dietitian/nutritionist or a registered dietitian.

Section 4. Any person employed by a licensed health care facility ~~or who is a faculty member at a college or university accredited by the Southern Association of Colleges and Universities or similar accreditation agency and who does not meet the requirements of Section 1 (a), above, on the effective date of this Act may continue to represent himself or herself as a dietitian/nutritionist while employed by said licensed health care facility or~~

while employed as a faculty member at said college or university so long as he or she complies annually with the continuing education requirements of Section 1 (b) (3), above. Further, the Alabama Cooperative Extension Service and personnel employed thereunder shall not be subject to the qualifications of this Act and shall be exempt therefrom.

Section 5. The provisions of this Act are separate and severable; therefore, if any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the remaining part(s) of said Act.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Boyington	Goodwin	Parsons	
Barron	Cabaniss	Little	Robertson	
Bedford	Corbett	Menton	Smith (B)	
Bedsole	Dixon	Mitchell	Smith (J)	
Bishop	Foshee	Mitchem	Teague	—19

Nays: —0

And said Bill, S. B. 226, as thus amended by the substitute, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Little	Proctor	
Barron	Corbett	Menton	Robertson	
Bedford	Denton	Mitchell	Smith (B)	
Bedsole	Dixon	Mitchem	Smith (J)	
Bishop	Foshee	Parsons	Teague	
Boyington	Goodwin	Pearson		—22

Nays: —0

### RECESS

At 1:50 P.M., on motion of Senator Robertson, the Senate took a recess until 2:50 P.M.

The recess period having expired, the Senate was called to order by President Pro Tempore Teague. A quorum of the Senate was present.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 404. MOURNING THE DEATH OF MRS. CLAUDETTE CLEEK BOX.

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Also:

H. J. R. 405. DESIGNATING THE WEEK OF OCTOBER 3-7, 1983, AS "CALHOUN COUNTY INDUSTRY WEEK."

Also:

H. J. R. 406. MOURNING THE DEATH OF MR. WILLIAM GUNTER O'REAR OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 408. COMMENDING MR. JAMES FRANKLIN OZMENT FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 415. CONGRATULATING MR. JOSEPH WALTON GREEN, JR., OF SELMA, ALABAMA, ON THE OCCASION OF HIS 100th BIRTHDAY.

Also:

H. J. R. 416. NAMING THE NEW DISTRICT 8 HEADQUARTERS BUILDING OF THE ALABAMA FORESTRY COMMISSION IN BALDWIN COUNTY, ALABAMA, THE "EMANUEL DAVIDSON BUILDING."

Also:

H. J. R. 407. COMMENDING MRS. LADDI JONES FOR OUTSTANDING LEADERSHIP.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Escott, Howard, Wright, Waggoner, Bennett, Biddle, Murphy, Scott, Layton and Trammell (With Notice and Proof):

H. 654. Relating to Jefferson County; to authorize compensation incentive for personnel assigned by the sheriff on a regular basis to conduct internal investigations or assist in the accountability of funds governed by the sheriff of Jefferson County.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 654, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Lewis, Waggoner, Wright, Layton and Trammell (With Notice and Proof):

H. 732. Relating to Jefferson County; providing that the county commission shall have the authority, after notice as provided, to declare noxious or dangerous weeds growing upon the sidewalks or private property within the county and outside the corporate limits of any municipality within the county to be a public nuisance, and creating a lien upon the property fronting upon such sidewalks or upon which such nuisance exists for the cost of abating the same.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 732, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Lewis (With Notice and Proof):

H. 823. To amend Section 1 of Act 499, H. 858, 1973 Regular Session (Acts of 1973, p. 738), relating to retirement allowances for elected officials in the City of Bessemer, so as to prevent said officials from participating in both the state and city retirement systems.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 823, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Wright (With Notice and Proof):

H. 834. Relating to Jefferson County; creating the "Vacation Change Amendment Act" to the Jefferson County Merit Service Act, as provided by Act No. 248, H. 580, of the 1945 Regular Session (Acts 1945, p. 376, et seq.), so as to further provide for the method of earning and accruing vacation and leave for all permanent employees of the Jefferson County Merit System; and specifically repealing Section 19 of the said Act No. 248, H. 580, of the 1945 Regular Session and all conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 834, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Lewis, Howard and Boles (With Notice and Proof):

H. 851. Relating to Jefferson County; to regulate further the branch office of the probate court in the city of Bessemer, providing for the appointment, term of service, duties and compensation of the deputy or assistant judge of probate who serves in the branch office of such court in the city of Bessemer.

I hereby certify that the Notice & Proof is attached to the Bill H. B.



851, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Poole and Mitchell (With Notice and Proof):

H. 857. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, insects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 857, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Coleman and Rains (With Notice and Proof):

H. 860. Relating to Marshall County; to further regulate the appropriation and distribution of Tennessee Valley Authority funds paid in-lieu-of-taxes.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 860, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Coleman and Rains (With Notice and Proof):

H. 861. To authorize the Marshall County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 861, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Coleman and Rains:

H. 862. To propose an amendment to the Constitution to provide that the legislature may, by local law, authorize the county governing body of Marshall County to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 654, 732, 823, 834, and 851. To the Committee on Local Legislation No. 2.

H. B.'s 857, 860, 861, and 862. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 862, was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Ashley and Starkey (With Notice and Proof):

H. 804. Relating to selling and redeeming lands for taxes in Lauderdale County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 804, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Moore, Murphy and Smith (With Notice and Proof):

H. 815. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilsonville, in Shelby County, to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Wilsonville.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 815, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed:

H. 847. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the City of Tuskegee in Macon County to issue general obligation bonds in not exceeding \$3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the 1¼% ad valorem tax authorized by Amendment 56 to said constitution to be levied by said city; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said city, and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

Also:

By Rep. Browder (With Notice and Proof):

H. 849. Relating to Calhoun County; authorizing the county commission to levy an additional  $\frac{1}{2}\text{¢}$  sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 849, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed:

H. 845. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Macon County under certain conditions to issue general obligation bonds in not exceeding \$3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the  $\frac{1}{4}$  of 1% ad valorem tax authorized by Section 215 of said constitution to be levied by said county; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said county; and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 804, 815, 847, 849, and 845. To the Committee on Local Legislation No. 1.

(The above numbered Bills, H. B.'s 847 and 845 were read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable:

H. 601. To amend Act No. 1158, S. 866, Regular Session 1969 (Acts 1969, p. 2163), which provides for the office of public defender in certain judicial circuits having a certain minimum state penitentiary population, so as to provide that each county having such a minimum state penitentiary population within each such circuit shall have a public defender; to provide

that the governor shall appoint any such public defender for any vacancy occurring prior to the general election of 1984; and to provide that at the 1984 general election and every four years thereafter, a public defender shall be elected.

Also:

By Reps. Carothers, Mathis and Grimsley (With Notice and Proof):

H. 890. Relating to Houston County; to provide for an expense allowance for the members of the county board of education and to repeal certain conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 890, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Starr, Wilson, Langford, Thomas, McKee and Holmes (With Notice and Proof):

H. 891. Relating to Montgomery County; to amend Sections 5, 7 and 8 of Act No. 833, H. 1100 of the 1969 Regular Session of the Alabama Legislature (Acts 1969, p. 1522), as amended, relating to the retirement system for employees of Montgomery County, so as to grant authority to the Montgomery County Commission to adopt tables upon which to base discretionary annual valuations of assets and liabilities of the Montgomery County Retirement System; to require that such valuations be made at least once in each five-year period; to grant power to the Montgomery County Commission to determine, at its discretion, the interest rate earned on the funds of the Montgomery County Retirement System; to provide for the payment of administration expenses of the Montgomery County Retirement System; and, to allow available monies not exceeding ten per centum of the total assets of the Montgomery County Retirement System to be held in non-interest bearing accounts.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 891, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 601. To the Committee on Buildings and Grounds.

H. B.'s 890 and 891. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark and Buskey (With Notice and Proof):

H. 859. Relating to the City of Prichard, Mobile County and the pension and retirement fund for such city; amending further Sections XII and XXII of Act No. 235, H. 290, of the 1963 Regular Session (Acts 1963, p. 636) as last amended, relating to the payment eligibility and the formula therefor of certain retirees, and persons who leave city service before retirement, so as to provide that all monies contributed by the member to such fund and increases for retirees.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 859, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Moore, Murphy and Smith (With Notice and Proof):

H. 916. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 916, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Poole (With Notice and Proof):

H. 884. To provide that the Pickens County Commission shall locate, construct, maintain and repair all Pickens County public roads, bridges, ferries and public buildings as a single centralized road system, without regard to commissioner district, beat or precinct lines; to further define the duties and powers of said Commission and its members; to provide for the employment of a County Engineer and to fix the amount of his bond and to provide for the manner of approval of and payment of premiums on said bonds; to further fix and define the duties and authority of the Chairman of the Pickens County Commission and other members of said Commission; to fix and define the manner of making requisition for road, bridge and public building construction and maintenance equipment, supplies and materials and for the issuance of purchase orders for same; to provide for the fixing of a scale of wages and salaries; to designate the County Engineer as the custodian of all vehicles, machinery, equipment, supplies and materials relating to the planning, construction and maintenance of all public roads and bridges in Pickens County; to provide for the appropriation of road, bridge and public building funds, gasoline tax funds, general fund, highway and traffic fund, and all and other public monies normally coming under the control of County Commissions, and for the manner of expenditure and budgetary control of same; and to order an election in Pickens County on the question of whether this Act shall become effective and a centralized road system thereby instituted in Pickens County; and to provide that this Act shall become effective only if a majority of those voting at said election vote in favor of effectuating the Act and instituting a centralized road system in Pickens County.

I hereby certify that the Notice & Proof is attached to the Bill H. B.

884, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 859. To the Committee on Local Legislation No. 3.

H. B.'s 916 and 884. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 865. Establishing the powers and authority of district attorney's investigators of the fourteenth judicial circuit of Alabama.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 865, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 864. Relating to Walker County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Walker County legislative delegation.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 864, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Biddle and Davis (With Notice and Proof):

H. 881. To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of retail electric service; to provide procedures for eliminating or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution fa-

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cilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 881, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Horn, Payne, Boles, Seibels, Davis, Rogers and Scott (With Notice and Proof):

H. 706. To further amend Section 3.07(h) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, page 1004), as amended, also known as the Mayor-Council Act of 1955 so as to provide, that the existing Council employees, within 30 days of this bill becoming law, may elect to withdraw from the general pension system upon application for such withdrawal, and provides that future Council employees to be included in the general pension system of the municipality upon application for such membership within 30 days of appointment.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 706, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hammett (With Notice and Proof):

H. 888. Relating to Covington County; providing for the distribution of certain road and bridge money; and providing an advisory referendum thereon.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 888, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turnham (With Notice and Proof):

H. 889. Relating to Lee County, providing further for the registration fees on mobile homes; providing further for the distribution of such fees; providing for an effective date; and repealing Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597).

I hereby certify that the Notice & Proof is attached to the Bill H. B. 889, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 892. Relating to the fourteenth judicial circuit; creating a position of felony investigator for the district attorney of such circuit and providing for the powers, duties and compensation of such investigator.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 892, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Casey (With Notice and Proof):

H. 896. Relating to Cleburne County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 896, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Casey (With Notice and Proof):

H. 897. Relating to Cleburne County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 897, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Casey (With Notice and Proof):

H. 898. Relating to Cleburne County; to provide for an optional system of motor vehicle tag and decal purchasing by mail; to authorize an additional fee for mailing tags; to provide for the disposition of such fees; and to provide that the county commission shall provide such necessary space, personnel, equipment and supplies.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 898, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Casey (With Notice and Proof):

H. 899. Relating to selling and redeeming lands for taxes in Cleburne County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 899, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.



Also:

By Rep. Casey (With Notice and Proof):

H. 900. Relating to Cleburne County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyance of real property recorded in the probate office of such county.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 900, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 865, 864, 888, 889, 892, 896, 897, 898, 899, and 900. To the Committee on Local Legislation No. 1.

H. B.'s 881 and 706. To the Committee on Local Legislation No. 2.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Sasser:

H. J. R. 422. COMMENDING AND HONORING JUDGE VAL L. McGEE.

Also:

By Reps. Smith, Murphy and Moore:

H. J. R. 424. COMMENDING DR. JAMES F. VICKREY, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

Also:

By Reps. Nicholson, Brakefield and Kennedy:

H. J. R. 427. COMMENDING AND CONGRATULATING THE WALKER COLLEGE ACADEMIC BOWL TEAM.

Also:

By Rep. McKee:

H. J. R. 430. COMMENDING THE REVEREND W. LAURENS HUDSON OF MONTGOMERY, ALABAMA.

Also:

By Reps. Waggoner, Moore and Escott:

H. J. R. 431. COMMENDING DR. CATHERINE STEINMITZ AMOS ON BEING SELECTED AS OPTOMETRIST OF THE YEAR BY

## THE ALABAMA OPTOMETRIC ASSOCIATION.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolutions, H. J. R.'s 422, 424, 427, 430, and 431, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (R.G.) (With Notice and Proof):

H. 866. Relating to Coosa County; providing that any real estate deed presented for filing and recording in the office of the judge of probate shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 866, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Smith (With Notice and Proof):

H. 869. Relating to Chilton County; to provide for an additional expense allowance for the county coroner.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 869, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Moore (With Notice and Proof):

H. 874. To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 874, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Harvey (With Notice and Proof):

H. 875. To alter or rearrange the boundary lines of the Town of Snead, Blount County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Blount County, Alabama.

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I hereby certify that the Notice & Proof is attached to the Bill H. B. 875, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Poole (With Notice and Proof):

H. 885. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Hale County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Hale County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 885, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hammett (With Notice and Proof):

H. 887. To provide for redivision of the county commissioner's districts in Covington County, Alabama; to provide for an advisory referendum on the question of the provisions of this act.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 887, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Casey (With Notice and Proof):

H. 902. To authorize the Clay County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 902, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Manley (With Notice and Proof):

H. 904. Relating to Marengo County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Marengo County; repealing conflicting laws; providing for a referendum and prescribing the effective date of this act.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 904, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Flowers (With Notice and Proof):

H. 905. To authorize the Barbour County Commission to compensate a Clerk in the Sheriff's Office.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 905, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Manley:

H. 906. To propose an amendment to the Constitution of Alabama of 1901, to levy and collect an additional property tax within the Marengo County School District for public education purposes.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 866, 869, 874, 875, 885, 887, 902, 904, 905, and 906. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 906, was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 489. Relating to the 37th Judicial Circuit of Alabama; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 474. Relating to Jefferson County; to regulate further the taking of

fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Also:

S. 490. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 37th Judicial Circuit of Alabama.

JOHN W. PEMBERTON,  
Clerk.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Communication from the State Department of Education and ordered same returned to the Senate with a favorable report, to-wit:

Certification of Election to the Board of Trustees of The University of Alabama of Sandral Hullett.

On motion of Senator Bishop, the election of Ms. Hullett was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Harrison	Mitchem
Aldridge	Denton	Holmes	Pearson
Bishop	Dixon	Kirkland	Robertson
Cabaniss	Figures	Little	Smith (J)
Corbett	Foshee	Mitchell	Teague
Covington			

—20

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Communication from the State Department of Education and ordered same returned to the Senate with a favorable report, to-wit:

Certification of Election to the Board of Trustees of The University of Alabama of Mr. William Henry Mitchell.

On motion of Senator Denton, the election of Mr. Mitchell was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchell
Aldridge	Covington	Harrison	Mitchem
Bedsole	deGraffenried	Holmes	Robertson
Bishop	Denton	Kirkland	Smith (J)
Boyington	Dixon	Little	Teague
Cabaniss	Figures	Menton	

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Nays: —0

**RESOLUTION**

The Standing Committee on Rules reported the following Senate Resolution, to-wit:

S. R. 281. Pursuant to the provision of Rule 34 of the Senate of Alabama the members elected by the University of Alabama Board of Trustees from the following districts, First District, Second District, Third District, Fourth District, and Sixth District having been rejected on June 30, 1983 and further pursuant to Rule 34 the following Substitute nominees are submitted to the Senate for their confirmation or rejection:

Mr. Aaron Aronov

Mr. Cleo Thomas, Jr.

Mr. Garry Neil Drummond

Mr. Frank Bromberg, Jr.

On motion of Senator Dixon, the appointment of Mr. Aronov was confirmed by the Senate.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Cabaniss	Foshee	Menton	
Aldridge	Corbett	Goodwin	Mitchell	
Bailey	deGraffenried	Harrison	Mitchem	
Bedsole	Denton	Holmes	Smith (J)	
Bishop	Dixon	Kirkland	Teague	
Boyington	Figures			—21

*Nays:* —0

On motion of Senator Holmes, the appointment of Mr. Thomas was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Mitchell	
Aldridge	Corbett	Harrison	Mitchem	
Bachus	Covington	Hilliard	Parsons	
Bailey	deGraffenried	Holmes	Pearson	
Bedford	Denton	Kirkland	Smith (J)	
Bishop	Dixon	Menton	Teague	
Boyington	Figures			—25

*Nays:* —0

On motion of Senator Denton, the appointment of Mr. Drummond was confirmed by the Senate.

Yeas 24; Nays 0.

*Yeas:*

Senators:	Boyington	Dixon	Kirkland
Aldridge	Cabaniss	Figures	Menton
Bachus	Covington	Goodwin	Mitchell
Bailey	deGraffenried	Harrison	Mitchem
Bedford	Denton	Holmes	Parsons

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Pearson	Smith (B)	Smith (J)	Teague	
Robertson				—24
<i>Nays:</i>				—0

Senator Parsons requested that the Journal show that, had he, Senators Pearson, Bachus, and Bedford been present when the vote was taken on the confirmation of Mr. Aronov, they would have voted "Aye".

On motion of Senator Cabaniss, the appointment of Mr. Bomberg was confirmed by the Senate.

Yeas 24; Nays 0.

*Yeas:*

Senators:	Cabaniss	Harrison	Mitchem	
Aldridge	deGraffenried	Holmes	Pearson	
Amari	Denton	Kirkland	Robertson	
Bailey	Dixon	Little	Smith (B)	
Bedford	Figures	Menton	Smith (J)	
Bedsole	Goodwin	Mitchell	Teague	
Bishop				—24
<i>Nays:</i>				—0

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Robert E. Lowder to the Auburn University Board of Trustees.

On motion of Senator Mitchell, the appointment of Mr. Lowder was confirmed by the Senate.

Yeas 24; Nays 0.

*Yeas:*

Senators:	Cabaniss	Harrison	Parsons	
Aldridge	Covington	Holmes	Pearson	
Bachus	deGraffenried	Little	Robertson	
Bedford	Denton	Menton	Smith (B)	
Bedsole	Dixon	Mitchell	Smith (J)	
Bishop	Goodwin	Mitchem	Teague	
Boyington				—24
<i>Nays:</i>				—0

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 527. Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of

laws, whether general, special, or local, in conflict with the provisions of the act.

Also:

H. 528. Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted by the 1983 Alabama State Legislature, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

Also:

H. 609. Relating to Baldwin County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

Also:

H. 638. Relating to Mobile and Baldwin Counties; to further define the boundary between said counties and the southern boundaries of each of said counties.

Also:

H. 639. Relating to Limestone County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Limestone County Jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act and to repeal all laws or parts of laws which conflict with this act.

Also:

H. 640. Relating to Limestone County; amending Act No. 79-501, S. 620, 1979 Regular Session, as amended, which provides for the distribution of T.V.A. payments, so as to provide further for said payments.

Also:

H. 790. Relating to Mobile County; providing for an annual distribution to Mobile United, Inc. from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

JOHN W. PEMBERTON,  
Clerk.



**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. James T. Tatum, Jr., to the Auburn University Board of Trustees.

On motion of Senator Smith (J), the appointment of Mr. Tatum was confirmed by the Senate.

Yeas 29; Nays 0.

*Yeas:*

Senators:	Boyington	Goodwin	Mitchem
Aldridge	Cabaniss	Harrison	Parsons
Bachus	Cooley	Holmes	Pearson
Bailey	Corbett	Kirkland	Robertson
Barron	Covington	Little	Smith (B)
Bedford	Denton	Menton	Smith (J)
Bedsole	Dixon	Mitchell	Teague
Bishop	Figures		

—29

*Nays:*

—0

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 282. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-seventh legislative day of the 1983 Regular Session only:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 675	Cogeneration fac.	2 suppl.
H. B. 264	D.U.I. penalties	25 suppl.
H. B. 214	Custody interference	28 suppl.
S. B. 308	Worthless checks	91
S. B. 393	Fire Fighters, dis. lic. plates	149
H. B. 360	Swine owners/app	9 suppl.
S. B. 401	S. League Dixie Youth Baseball, exempt	139
S. B. 404	Mun. & Counties, Ins. plans	22 suppl.

S. B. 258	Collective Bargaining, arbitration	45 suppl.
S. B. 137	City Treasurer and Clerk, residency	10 suppl.
S. B. 539	Drilling Units, costs	30 suppl.
S. B. 432	Dept. Heads, merit system status, appointed by Governor	82
S. B. 433	Department Heads, ret., appointed by Governor	85
S. B. 5	Conservation & Natural Resources Adv. Bd.	117
S. B. 312	Restitution Orders, courts to enforce	98
S. B. 510	Personal Property, exemption	27 suppl.
S. B. 413	Public Officials, finan. dis., inf.	72
S. B. 163	St. Fire Marshal, Revolving fund	13

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

### **RULE 36 SUSPENDED**

On motion of Senator Corbett, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 379.

### **BILLS ON THIRD READING RESUMED**

#### **The Bill:**

S. 146. To amend Section 34-8A-23, Code of Alabama 1975, which provides for the waiver of examinations by the board of examiners in counseling, so as to provide further for said waiver.

and pending amendment, which said amendment is set out in the Journal of the Senate for the Twenty-Fourth Legislative Day, and having been postponed was again taken up.

Senator Little requested and received permission to suspend the Rules in order to bring up the Bill:

H. 421. To amend Section 34-8A-7, Code of Alabama 1975, relating to qualifications for professional counselors, so as to further provide therefore, and to repeal Section 34-8A-23, Code of Alabama 1975, which relates to same.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, H. B. 421, to-wit:

### **COMMITTEE SUBSTITUTE FOR H. B. 421**

#### **A BILL TO BE ENTITLED AN ACT**

To amend Section 34-8A-23, Code of Alabama 1975, which provides for the waiver of examinations by the board of examiners in counseling, so as to provide further for said waiver.

Be It Enacted by the Legislature of Alabama:

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Section 1. Section 34-8A-23, Code of Alabama 1975, is hereby amended to read as follows:

“§ 34-8A-23.

“For a period of one year from the passage of this Act, the board shall waive the requirements of Sections (7) and (8) of section 34-8A-7, and shall grant the appropriate license upon payment of the required fee to any person submitting an application for licensure and proof of practice to the board who is qualified by experience to practice counseling, and who was engaged in such private practice of counseling as of July 18, 1979 in Alabama. Proof of private practice shall be verified by a valid business license in force on or before July 18, 1979 and financial documents which clearly indicate that a fee, monetary or otherwise, was charged for counseling services rendered.

The board of examiners in counseling shall be required to provide at least one legal notice of these provisions in the daily newspapers of this state.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cabaniss	Harrison	Mitchem
Aldridge	Cooley	Holmes	Parsons
Amari	Corbett	Kirkland	Robertson
Bachus	Covington	Little	Smith (B)
Bedsole	Figures	Menton	Smith (J)
Bishop	Foshee	Mitchell	Teague
Boyington	Goodwin		

—25

*Nays:* —0

And said Bill, H. B. 421, as thus amended by the substitute, was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Senators:	Cabaniss	Harrison	Mitchem
Aldridge	Cooley	Hilliard	Parsons
Bachus	Covington	Holmes	Smith (B)
Bedsole	Figures	Kirkland	Smith (J)
Bishop	Foshee	Little	Teague
Boyington	Goodwin	Mitchell	

—22

*Nays:* —0

**RESOLUTION**

Senator Menton offered the following Senate Resolution, to-wit:

S. R. 283. HONORING AND COMMENDING THE MOBILE AREA COUNCIL OF THE BOY SCOUTS OF AMERICA.

Which was adopted.

**SPECIAL ORDER**  
**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the next special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 675. To provide a statement of public policy and legislative intent underlying its enactment; to provide for the regulation of cogeneration facilities; to provide that a cogeneration facility shall not be deemed a public utility; to regulate the sale of electric power produced by cogeneration facilities; to provide standards for determining avoided costs in the sale of cogenerated power; to provide for services and data to be made available from electric utilities; to provide for the authority of the Public Service Commission respecting cogeneration facilities; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

The Standing Committee on Industrial Expansion, Economic Growth, and Jobs reported the following substitute for the Bill, H. B. 675, to-wit:

**COMMITTEE SUBSTITUTE FOR H. B. 675****A BILL  
TO BE ENTITLED  
AN ACT**

To provide for the "Alabama Cogeneration Act of 1983"; to provide a statement of public policy and legislative intent underlying its enactment; to provide for the adoption of rules relating to the treatment of capacity and energy available from cogeneration facilities in Alabama consistent with the rules promulgated by the Federal Energy Regulatory Commission under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978, ("PURPA") 16 U.S.C. § 796(17)-(22) and 16 U.S.C. § 824 a-3 (Supp. V); to provide for the authority of the Public Service Commission under this law; and to provide for the manner in which it shall become law.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known and may be cited as the "Alabama Cogeneration Act of 1983".

Section 2. It is hereby declared to be the public policy of this state to encourage the development of cogeneration facilities to conserve energy resources and further industrial economic development in this state to the extent such encouragement is not inconsistent with the maintenance of just and reasonable electric rates to consumers of electric utilities. It is necessary for growth and job opportunities to encourage new investment in energy producing systems to remain competitive and allow for the sustained economic development of this state, consistent with just and reasonable treatment of electric consumers of this state.

Section 3. In furtherance of the policy set forth in Section 2, the rules and regulations relating to cogeneration facilities and cogenerators in the State of Alabama and the treatment of such facilities and cogenerators with respect to the capacity and energy produced in such facilities shall be governed by the applicable provisions of the regulations relating thereto which have been promulgated as of July 6, 1983 by the Federal Energy Regulatory Commission under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978, ("PURPA"), 16 U.S.C. § 796 (17)-(22) and 16 U.S.C. § 824 a-3 (Supp. V); such regulations being embodied in 18 Code of Federal

Regulations Sections 292.101 through 292.602. Said regulations are incorporated by reference as if fully set out herein. A copy of said regulations, as compiled and published in 18 Code of Federal Regulations Part 292 as of July 6, 1983 and incorporated in a volume entitled "Regulations Relating to Cogeneration Facilities Adopted for the State of Alabama", shall be maintained by the Secretary of the Alabama Public Service Commission.

Section 4. The Alabama Public Service Commission ("the Commission") is hereby authorized and directed to take all necessary steps to implement the provisions of this Act as it affects utilities already subject to the jurisdiction of the Commission and to promulgate rules and regulations consistent with the provisions hereof. Any such rule or regulation promulgated under the Act shall be adopted pursuant to a determination by the Commission, supported by substantial evidence, that such rule or regulation is in the public interest and shall be just and reasonable to the electric consumers of any electric utility affected. Any cogenerator or electric utility may petition the Commission for appropriate relief under this Act, and the Commission will act on any such petition within 180 days. Any cogenerator or electric utility may petition the Commission for approval of a contract between them, which approval will be granted within 60 days of such petition unless the contract is clearly contrary to the policy and purposes of this Act or is otherwise unlawful. Payments required to be made by a utility to a cogenerator pursuant to any contract approved under this Act, or pursuant to other relief afforded under this Act, shall be afforded appropriate treatment by the Commission to assure full and expedient recovery in the rates charged by the utility which are subject to the Commission's jurisdiction. If the Commission action on any petition is inconsistent with the provisions of this Act, or is otherwise unlawful, the petitioner or any party to the proceedings may bring an action within 30 days after the date of the Commission order or the expiration of the applicable 60 or 180-day period, in the Circuit Court of Montgomery County, Alabama, to seek appropriate relief consistent with the policy, purposes and provisions of this Act.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Senator Smith (B) offered the following amendment to the substitute for the Bill, H. B. 675, to-wit:

#### **AMENDMENT TO SUBSTITUTE FOR H. B. 675**

Amend the substitute for H. 675 by striking Section 5 thereof and substitute in lieu thereof and adding thereto the following:

"Section 5. In order to enforce the provisions of this Act, a cogenerator who uses coal as a fuel source to produce electrical power shall purchase coal produced in the State of Alabama provided that such Alabama coal is available to the cogenerator at prices and under terms and conditions (including availability, quantity, quality and reliability of supplier) at least as favorable as coal produced outside the State of Alabama.

"Section 6. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

"Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law."

Which was adopted.

And said substitute, as thus amended, was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Goodwin	Mitchell	
Aldridge	Bishop	Harrison	Mitchem	
Amari	Boyington	Holmes	Parsons	
Bachus	Cabaniss	Kirkland	Smith (B)	
Bailey	Cooley	Little	Smith (J)	
Barron	Dixon	Menton	Teague	
Bedford	Figures			—25

Nays: —0

And said Bill, H. B. 675, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchell	
Amari	Cooley	Harrison	Parsons	
Bachus	Corbett	Holmes	Proctor	
Bailey	Dixon	Kirkland	Smith (B)	
Bedsole	Figures	Little	Teague	
Boyington	Foshee	Menton		—22

Nays: —0

The Bill:

H. 264. To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9.

was taken up.

Senator Smith (B) offered the following amendment to the Bill, H. B. 264, to-wit:

#### AMENDMENT TO H. B. 264

In Section 1, on page 6, after line 29, insert the following language:

(g) A person who has been arrested for violating the provisions of this section shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his blood as specified in subsection (a) (1) hereof.

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Senators:	Bishop	Figures	Mitchem
Aldridge	Boyington	Foshee	Parsons
Amari	Cabaniss	Goodwin	Proctor
Bachus	Cooley	Harrison	Robertson
Bailey	Corbett	Holmes	Smith (B)
Barron	Covington	Kirkland	Smith (J)
Bedford	Denton	Little	Teague
Bedsole	Dixon	Mitchell	

—30

Nays: —0

Senator Smith (B) then offered the following amendment to the Bill, H. B. 264, as amended, to-wit:

**AMENDMENT TO H. B. 264, AS AMENDED**

In the Synopsis, page 1, line 15 and in the title, page 1, line 31 add the following sentence:

The bill also provides for conclusive presumptions of driving under the influence of 0.10 percent or more weight of alcohol in the blood under 32-5A-194.

In Section 1, page 1, line 34, after the number 11-45-9, add the following:

and 32-5A-194

As a continuation of Section 1, page 7, on line 36, add the following:

“§ 32-5A-194.

“(a) Upon the trial of any civil, criminal or quasi-criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual control of a vehicle while under the influence of alcohol or controlled substance, evidence of the amount of alcohol or controlled substance in a person's blood at the alleged time, as determined by a chemical analysis of the person's blood, urine, breath or other bodily substance, shall be admissible. Where such a chemical test is made the following provisions shall apply:

“(1) Chemical analyses of the person's blood, urine, breath or other bodily substance to be considered valid under the provisions of this section shall have been performed according to methods approved by the state board of health and by an individual possessing a valid permit issued by the state board of health for this purpose. The state board of health is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state board of health. The state board of health shall not approve the permit required in this section for making tests for any law enforcement officer other than a member of the state highway patrol, a sheriff or his deputies, a city policeman or laboratory personnel employed by the department of forensic sciences.

“(2) When a person shall submit to a blood test at the direction of a law enforcement officer under the provisions of section 32-5-192, only a physician or a registered nurse (or other qualified person) may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens. If the test given under section 32-5-192 is a chemical test of urine, the person tested shall be

given such privacy in the taking of the urine specimen as will insure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved.

"(3) The person tested may at his own expense have a physician, or a qualified technician, registered nurse or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the discretion of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

"(4) Upon the written request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

"(5) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood.

"(b) Upon the trial of any civil, criminal, or quasi-criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath or other bodily substance shall give rise to the following presumptions:

"(1) If there were at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of alcohol.

"(2) If there were at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

"(3) If there were at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed then there shall be a conclusive and irrebuttable presumption that the person was under the influence of alcohol.

"(4) The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of alcohol.

"(c) If a person under arrest refuses to submit to a chemical test under the provisions of section 32-5-192, evidence of refusal shall be admissible in any civil, criminal or quasi-criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or controlled substance.

"(d) No physician, registered nurse or duly licensed chemical laboratory technologist or clinical laboratory technician or medical facility shall incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a law enforcement officer to administer such a test."

Section 2. The provisions of this act are supplemental to other laws not inconsistent with this act, and such other laws shall not be deemed to



be repealed by this act.

Section 3. This act applies to conduct occurring after its effective date. Conduct occurring before the effective date of this act shall be governed by pre-existing law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Senators:	Bishop	Figures	Mitchell
Aldridge	Boyington	Foshee	Mitchem
Amari	Cabaniss	Goodwin	Parsons
Bachus	Cooley	Harrison	Proctor
Bailey	Corbett	Holmes	Robertson
Barron	Covington	Kirkland	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague

—31

Nays:

—0

Senator Bedford offered the following amendment to the Bill, H. B. 264, as amended, to-wit:

**AMENDMENT TO H. B. 264, AS AMENDED**

Amend House Bill No. 264 Page 5 Line 20, by inserting after the word "year," the following: "nor less than (48) forty-eight hours,"

On motion of Senator Robertson, said amendment was laid on the table.

Senator Cooley offered the following amendment to the Bill, H. B. 264, as amended, to-wit:

**AMENDMENT TO H. B. 264, AS AMENDED**

Amend House Bill No. 264 Page 5 beginning on Line 26, by striking out the word

"debar" and inserting in lieu thereof the word:

"suspend"

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Bedford	Corbett	Harrison
Aldridge	Bedsole	Covington	Holmes
Amari	Bishop	Dixon	Kirkland
Bachus	Boyington	Figures	Little
Bailey	Cabaniss	Foshee	Menton
Barron	Cooley	Goodwin	Mitchell

Mitchem  
PearsonRobertson  
Smith (B)

Smith (J)

Teague

—29

Nays:

—0

Senator Cooley then offered the following amendment to the Bill, H. B. 264, as amended, to-wit:

#### AMENDMENT TO H. B. 264, AS AMENDED

In the Synopsis, page 1, line 15 and in the title, page 1, line 31, add the following sentence: "This bill also provides for the presentation of evidence of a defendant's net worth and financial responsibility in court proceedings if the sobriety of the defendant is an issue in the proceeding."

Immediately after Section 1 on page 7, add the following new Section 2 and renumber the remaining sections accordingly:

"Section 2. In any litigation in which the sobriety of the defendant is an issue, evidence of the net worth and financial responsibility of the defendant is admissible."

#### REPORT OF COMMITTEE ON RULES

Mr. President Pro Tem:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 131. To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to provide further for such offenses and penalties.

Also:

S. 322. To provide for the confidentiality of circulation and registration records maintained by public school libraries, public libraries and college and university libraries; and to amend Section 36-12-40, Code of Alabama 1975, so as to provide for said exemption and to provide certain exceptions.

Also:

S. 376. To amend Section 2-31-4 which sets up bond requirements for grain dealers; to require that a grain dealer's bond shall be based upon 10% of the aggregate dollar amount paid by dealers to producers during the 12-month period ending within 30 days from the time the dealer applies to be licensed; to require that persons that have been a grain dealer for less than one year must file the minimum bond allowed; to require that the bond is applicable for each separate location; to require that the bond required shall be no less than \$25,000 nor more than \$100,000 for each separate location.

Also:

S. 434. Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

Also:

S. 474. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Also:

S. 489. Relating to the 37th Judicial Circuit of Alabama; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Also:

S. 490. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 37th Judicial Circuit of Alabama.

CHARLES BISHOP,  
Chairperson.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 13. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

Also:

H. 29. Relating to Washington County; to provide for the election of members of the county commission by districts.

Also:

H. 30. To provide an additional expense allowance for the coroner of Washington County.

Also:

H. 31. Relating to Washington County; amending Act No. 503, H. 1005 of the 1978 Regular Session, so as to provide further for the compensation of poll workers.

Also:

H. 39. Relating to Washington County; amending Act No. 579, H. 1656 of the 1975 Regular Session, to provide further for an expense allowance for members of the county board of education.

Also:

H. 119. Relating to Pickens County; providing for an increase in court costs and providing for the disposition of the proceeds from such increase and providing for the conditions upon which the provisions of this act shall become effective.

Also:

H. 120. Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

Also:

H. 131. Relating to Baldwin County; to provide for a special recording fee on documents filed in the office of the Judge of Probate; to provide that such special recording fee be used for the purpose of acquiring and maintaining electronic data processing equipment for the office of the Judge of Probate and to provide for retroactive effect.

Also:

H. 132. To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 135. Relating to Baldwin County; authorizing the Baldwin County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

Also:

H. 335. Relating to selling and redeeming lands for taxes in Henry County, Alabama.

Also:

H. 346. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

Also:

H. 451. To provide for the protection of forests within Choctaw County and to assess the whole or a part of the cost thereof, within a prescribed limit against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

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Also:

H. 504. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Lawrence County and to provide for the use of such fees.

Also:

H. 519. To provide for branch banking in Pickens County.

Also:

H. 520. Relating to Pickens County; to amend Section 1 of Act No. 529, H. 574, 1971 Regular Session (Acts 1971, p. 1256), relating to the issuance of pistol permits in certain counties classified on a population basis, so as to increase the issuance fee for pistol permits and to provide further for the disposition of such fees.

Also:

H. 641. Relating to Limestone County; amending Act No. 81-510, S. 572, 1981 Regular Session, so as to provide further for the distribution of a special recording fee on documents filed in the probate office.

**JOHN W. PEMBERTON,**  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 688. Relating to Pike County; prescribing and further providing for the meeting dates of the Pike County Commission.

Also:

H. 689. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

Also:

H. 733. Relating to Bullock County; to amend Section 2, Act No. 241, 1976 Regular Session of the Alabama Legislature pertaining to levying and collecting assessments on forestlands in Bullock County.

Also:

H. 748. Relating to Coffee County; providing an expense allowance for members of the county board of education; prescribing the manner of payment; and repealing conflicting laws.

Also:

H. 755. To provide that the judge of probate of Pike County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for employees who shall serve at the pleasure of said judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

Also:

H. 772. Relating to Henry County only; fixing the fee for issuance of a pistol permit by the sheriff; providing for the distribution and use of such fees; and repealing all laws in conflict herewith.

Also:

H. 773. Relating to Henry County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; and repealing conflicting laws.

Also:

H. 820. Relating to Tuscaloosa County, to amend Sections 1 and 2 of Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), which act deals with the issuance of pistol permits in certain counties classified on a population basis, so as to provide further for fees and renewals.

Also:

H. 821. To authorize a procedure whereby the sheriff of Tuscaloosa County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of Tuscaloosa County and stored by said department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Tuscaloosa County, Alabama, or by posting in a conspicuous place at the Tuscaloosa County courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the sheriff of Tuscaloosa County, Alabama, may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Tuscaloosa County, Alabama.

Also:

H. 187. Relating to Mobile County; establishing and providing for the Mobile County Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from Act No. 82-427, 1982 Regular Session; and providing for the forfeiture of certain funds upon falsification of registration forms.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 21. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include diesel fuel used for off-highway agricultural purposes.

Also:

H. 798. To provide for the criminal offense of theft of trade secrets and to prescribe penalty for conviction of such offense.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF H. B. 264**

The Senate proceeded to further consideration of the Bill, H. B. 264, as amended. The question was on amendment No. 2 offered by Senator Cooley.

On motion of Senator Smith (B), said amendment was laid on the table.

Yeas 20; Nays 10.

**Yeas:**

Senators:	Boyington	Foshee	Mitchem
Amari	Cabaniss	Harrison	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Little	Smith (B)
Bedsole	Dixon	Menton	Smith (J)
Bishop			

—20

**Nays:**

Senators:	Bedford	Hilliard	Parsons
Aldridge	Cooley	Kirkland	Teague
Bachus	Figures	Mitchell	

—10

And said Bill, H. B. 264, as thus amended, was read a third time at

length and passed.

Yeas 32; Nays 0.

*Yeas:*

Senators:	Boyington	Figures	Mitchell	
Aldridge	Cabaniss	Foshee	Mitchem	
Amari	Cooley	Goodwin	Parsons	
Bachus	Corbett	Harrison	Proctor	
Bailey	Covington	Holmes	Robertson	
Barron	deGraffenried	Kirkland	Smith (B)	
Bedford	Denton	Little	Smith (J)	
Bedsole	Dixon	Menton	Teague	
Bishop				—32

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

H. 395. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Reps. Campbell, Casey and Coburn.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Cabaniss, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 395, the title of which is set out in the foregoing Message from the House.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Cabaniss	Harrison	Mitchem	
Bachus	Cooley	Hilliard	Proctor	
Barron	deGraffenried	Holmes	Robertson	
Bedsole	Denton	Little	Smith (J)	
Bishop	Foshee	Menton	Teague	
Boyington	Goodwin			— 21

*Nays:*

—0

And the President Pro Tempore of the Senate appointed as Committee on the part of the Senate Senators Cabaniss, Denton, and Foshee.

### RESOLUTIONS

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 284. COMMENDING MR. RALPH W. HORNSBY, PROMINENT HUNTSVILLE, ALABAMA, ATTORNEY.



Which was adopted.

Senator Barron offered the following Senate Resolution, to-wit:

S. R. 285. RECOGNIZING JULY 2 AS NORTH SAND MOUNTAIN PARK DAY.

Which was adopted.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 214. To amend Section 13A-6-45 of the Code of Alabama 1975, relating to interference with custody, so as to change the penalty for such offense from a misdemeanor to a felony.

was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Menton
Aldridge	Cooley	Foshee	Mitchell
Amari	Corbett	Goodwin	Mitchem
Bachus	Covington	Harrison	Proctor
Barron	deGraffenried	Holmes	Smith (B)
Bedford	Denton	Kirkland	Smith (J)
Bedsole	Dixon	Little	Teague
Bishop			

—28

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended has passed the following Senate Bill and returns same herewith to the Senate.

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Senate non-concurred in the following House amendment to the Bill, S. B. 58, the title of which is set out in the foregoing Message from the House, to-wit:

### SUBSTITUTE FOR S. B. 58, AS LAST SUBSTITUTED AND AMENDED

### A BILL TO BE ENTITLED AN ACT

To amend the Constitution of 1901 by replacing the article on the Executive, Article 5, by replacing the article on Impeachment, Article 7, by replacing the article on Suffrage and Elections, Article 8, and by amending Article 6.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment, which replaces articles 5, 7 and 8 of the Constitution of 1901 and which amends certain other portions of the Constitution is proposed and shall become valid as a part of the Constitution when approved and proclaimed as prescribed by law.

### CONSTITUTIONAL AMENDMENT

1. Article 5, Sections 112 through 138, inclusive, of the Constitution of Alabama of 1901, including amendments 38 and 282 thereto, and all other provisions of the Constitution of 1901 and amendments thereto that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted:

### ARTICLE V EXECUTIVE DEPARTMENT

#### Section 5.01. Executive Power and the Executive Department.

The principal executive power of the state shall be vested in a governor. The executive department shall include a governor, a lieutenant governor, an attorney general, a state auditor, a secretary of state, a state treasurer, a commissioner of agriculture and industries, and a sheriff for each county.

#### Section 5.02. Election and Term of Office of Executive Officers.

The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be elected by the electors of the state at the same time and places appointed for the election of members of the legislature. They shall hold their respective offices for a term of four years, commencing at twelve o'clock noon on the first Monday after the second Tuesday in January succeeding their election and until their successors shall be elected and qualified. All officers shall be eligible to succeed themselves in office, but no persons elected to any offices enumerated above shall be eligible to succeed themselves for more than one additional elective term.

#### Section 5.03. Election Returns.

The returns of every election for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be sealed and transmitted by the returning officers to the seat of government and directed to the speaker of the house of representatives, who shall open and publish the votes in the manner prescribed by law. The person having the highest number of votes for any one of said offices shall be declared elected; but if two or more shall have the highest and an equal number of votes, the legislature by a majority vote of the total number of the two houses meeting in joint session, shall choose one of said persons without delay. Contested elections shall be determined by both houses in the manner prescribed by law.

#### Section 5.04. Qualifications of Governor and Lieutenant Governor.

The governor and lieutenant governor shall be at least thirty years of age when elected and shall have been qualified voters and resident citizens in this state for seven years prior to their election.

#### Section 5.05. Compensation and Place of Residence of Executive Officers.

The governor, lieutenant governor, attorney general, state auditor, sec-

retary of state, state treasurer, and commissioner of agriculture and industries, shall receive compensation to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the lieutenant governor, reside in the county of the location of the state capital during the time they continue in office. The compensation of the lieutenant governor shall be the same as that received by the speaker of the house, except while serving as governor, during which time the lieutenant governor's compensation will be the same as that allowed the governor.

**Section 5.06. Legislative Responsibilities of Governor.**

(a) **Special Sessions.** The governor may by proclamation on extraordinary occasions convene the legislature at the seat of government or at a different place if the seat of government shall become dangerous, and shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

(b) **Messages to the Legislature.** The governor shall from time to time give to the legislature information on the state of the government. The governor shall transmit to the legislature a budget setting forth a financial program for the fiscal year which will have begun before the next regular session as prescribed by law. The governor shall also account to the legislature, as may be prescribed by law, for all money received and paid out by the governor or by the governor's order; and at the commencement of each regular session shall present to the legislature estimates of the amount of money required to be raised by taxation for all purposes.

(c) **Veto.** Every bill passed by the legislature shall before it becomes a law be presented to the governor unless otherwise provided by this Constitution. If the legislature is in session, the bill shall become law if the governor signs or fails to veto it within seven calendar days of presentation. If the legislature is prevented from returning by recess, such bill must be returned to the house in which it originated on the first legislative day after the reassembling, otherwise, it shall become law. If the legislature adjourns sine die before presentation or during such seven day period, the bill shall become law only if the governor signs it within twenty calendar days of presentation. When the governor vetoes a bill, the governor shall within seven calendar days of presentation, return it to the secretary or clerk of the house in which the bill originated, unless the legislature shall, by final adjournment, prevent such return. If the bill is returned, it shall be reconsidered, and if a majority of the members elected to each house vote for the passage of the bill, it shall become law.

(d) **Executive Amendments.** The governor may, within seven calendar days after a bill has been presented to the governor for signature, return such bill to the house in which it originated with recommendations for its amendment; but when return is prevented by recess such bill must be returned to the house in which it originated on the first legislative day after the reassembling, otherwise, it shall become a law. Both houses may adopt but cannot amend such amendment. If both houses approve such amendment, the bill as amended shall become law. If either house refuses to approve such amendment, then either house may reconsider the original bill and repass it by a majority vote. If both houses repass the original bill, it shall become law without the governor's signature. In all cases above set forth, the governor's objections, the names of the members voting for or against the bill, or amendments thereto, shall be entered on the journal.

(e) **Appropriation Bills.** The governor shall have power to approve or

disapprove any item or items of any appropriation bill embracing distinct items, and the part or parts of the bills approved shall be the law, and the item or items disapproved shall be void, unless the item or items disapproved shall be repassed according to the rules and limitations prescribed for the passage of bills over the executive veto. The governor shall in writing state specifically the item or items disapproved of, setting the same out in full in his message, but in such case the enrolled bill shall not be returned with the governor's objection.

**Section 5.07. Executive and Administrative Powers of the Governor.**

(a) **Execution of Laws.** The governor shall be responsible for the faithful execution of the laws.

(b) **Information.** The governor may require information in writing, under oath, from the officers of the executive department, and all officers and managers of state institutions, on any subject relating to the duties of their respective offices or the condition, management and expenses of their respective departments or institutions. Any such officer or manager who willfully makes a false report or fails without sufficient excuse to make a required report on demand is guilty of an offense for which he may be removed.

(c) **Executive Reorganization.** Except for organizational arrangements specified in this Constitution, the governor may make such changes in the organization of the executive department or in the assignment of functions among its units as he considers necessary for efficient administration. If such changes affect existing statutory law, they shall be set forth in executive orders, which must be submitted to the legislature during a regular or special session, where they may be amended, approved or disapproved, and shall become effective, and shall have the force of law, if approved or amended and approved by a majority of each house. No executive reorganization that changes or applies to statutory law shall be effected until final approval by the enactment of a bill into law. The governor shall not, however, make changes which would become effective later than one hundred and eighty days before the end of such governor's administration. For the purpose of this subsection the term "executive department" shall not include any other constitutional office or any departments, bureaus, and agencies whose director or head is appointed by any other constitutional officer or serves at the governor's pleasure.

(d) **Commander in Chief.** The governor shall be the commander in chief of the armed forces of this state, except when they are called into the service of the United States, and may call them out to execute the laws, to preserve order, to provide assistance in the event of public disaster, to suppress insurrection or to repel invasion.

(e) **Power to Fill Vacancies.** The governor shall have power to fill vacancies in all offices of the state for the filling of which the Constitution or laws make no other provision. The writ of election shall be called in the manner provided by law.

**Section 5.08. Executive Clemency.**

The governor shall have the power to grant reprieves and commutations to persons under sentence of death. The legislature may provide for and regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically provided otherwise therein.

Section 5.09. Succession to the Office of Governor.

(a) Removal, Death or Resignation of Governor. In case of the governor's removal from office, death, or resignation the lieutenant governor shall become governor.

(b) Removal, Death or Resignation of Governor and Lieutenant Governor. If both the governor and the lieutenant governor be removed from office, die or resign, the unexpired terms of the governor and lieutenant governor shall be filled by a special election, except when such unexpired terms are less than one year, in which case a new governor and lieutenant governor shall not be elected until the next regular gubernatorial election. In the event of such vacancy, the office of governor shall be held and administered by the speaker of the house of representatives, the president pro tempore of the senate, attorney general, state auditor, secretary of state or state treasurer, in that order, until the new governor is elected and qualified.

(c) Vacancies due to Disability or Absence. When the governor is unable to discharge the duties of his office by reason of physical or mental disability, or when the duties are not being discharged by reason of the governor's absence from the state for twenty successive days, the power and authority of the office shall, until the governor returns to the state or regains mental competence, or relieved from other disability, devolve in the order herein named upon the lieutenant governor, the speaker of the house of representatives, the president pro tempore of the senate, attorney general, state auditor, secretary of state, or state treasurer. If any of the officers in the line of succession be under any of the disabilities herein specified, the office of the governor shall be administered in the order named by such of these officers as may be free from such disability. If the governor's disability or absence does not terminate within ninety successive days, the office of governor shall be vacant as if the governor had died.

(d) Failure of Governor to Qualify. If the governor-elect fails to qualify, the lieutenant governor-elect shall qualify and exercise the duties of governor until the governor-elect qualifies. In the event that both the governor-elect and the lieutenant governor-elect fail to qualify, the speaker of the house, the president pro tempore of the senate, the attorney general, state auditor, secretary of state, and state treasurer shall, in the order named, administer the office until the governor-elect or the lieutenant governor-elect qualifies, or until the office of governor has been filled by an election and the newly elected governor has qualified. If both the governor-elect and the lieutenant governor-elect fail to qualify within six months of the beginning of their terms of office, the unexpired term of the governor-elect and the lieutenant governor-elect shall be filled by a special election.

Section 5.10. Procedure for Determination of Incapacity of Governor.

(a) If the governor or acting governor shall appear to be unable to perform the duties of the office because of physical or mental disability or absence from the state, it shall be the duty of the supreme court upon the request in writing by the attorney general, the speaker of the house, the president pro tempore of the senate, or any one of them, not next in succession to the office of governor, to ascertain the truth of the charges. If the governor is adjudged to be unable to perform the duties of the office because of physical or mental disability, or absence from the state, it shall be the duty of the officer next in succession to perform the duties of the office until the disability is removed or until the governor returns to the state. If the incumbent denies that the disability of the governor or other person entitled to administer the office has been removed, the supreme court shall

ascertain the truth concerning the same. If the disability has not continued for more than ninety successive days and has been removed, the court shall so decree, and the office shall be restored to such governor. The supreme court shall prescribe the method of taking testimony and the rules of practice in such proceedings.

(b) The physical disability of the governor to perform the duties of the office may also be established by the governor's written declaration to that effect transmitted to the officer next in line of succession and to the attorney general. If the physical disability is removed within ninety successive days, the governor may resume the office by notifying the acting governor and the attorney general. Any question concerning the governor's ability to resume the office shall be decided by the supreme court.

#### Section 5.11. Compensation of Acting Governor.

The lieutenant governor, speaker of the house, president pro tempore of the senate, attorney general, state auditor, secretary of state or state treasurer, while administering the office of governor, shall receive from the state the same compensation as that prescribed by law for the governor and no other.

#### Section 5.12. Lieutenant Governor, Attorney General, and Other Officers.

(a) Duties of the Lieutenant Governor. The lieutenant governor shall be ex officio president of the senate but shall have no right to vote except in case of a tie.

(b) Qualifications of Attorney General. The attorney general shall be at least thirty years of age. Such person shall have been a qualified voter of the state of Alabama, and licensed to practice law for three years in this state, and a resident citizen thereof, for five years prior to election.

(c) The Secretary of State. The secretary of state shall be the custodian of the great seal of the state, and shall authenticate therewith all official acts of the governor, except the governor's approval of laws, resolutions, appointments to office, and administrative orders. The Secretary of State shall keep a register of the official acts of the governor, and when necessary, shall attest them, and lay copies of same together with copies of all papers relative thereto, before either house of the legislature, when required to do so, and shall perform such other duties as may be prescribed by law.

(d) State Treasurer and Auditor. The state treasurer and state auditor shall, every year, at a time fixed by the legislature make a full and complete report to the governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports upon any matters pertaining to their offices if required by the governor or the legislature.

(e) Removal for Insanity or Incapacity to Perform Duties. In case the lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, or commissioner of agriculture and industries shall appear to be unable to perform the duties of the office they hold because of physical or mental disability, such inability to perform such duties shall be ascertained by the supreme court upon suggestion of the governor, and if found to be insane or unable to perform such duties because of physical disability, the office shall be vacant.

#### Section 5.13. Election and Term of Office of Sheriffs; Sheriff Eligible

to Succeed self; Impeachment of Sheriff; Effect of Impeachment of Sheriff.

A sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and shall be eligible to hold such office for successive terms. Whenever any prisoner is taken from jail, or from the custody of any sheriff or deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached, under this constitution. If the sheriff be impeached, and thereupon convicted, such person shall not be eligible to hold any office in this state during the time for which such person had been elected or appointed to serve as sheriff.

Section 5.14. State Seal.

There shall be a seal of the state, which shall be used officially by the governor, and the seal now in use shall continue to be used until another shall have been adopted by the legislature. The seal shall be called, "The Great Seal of the State of Alabama."

2. Article 7, Sections 173 through 176 inclusive, of the Constitution of Alabama of 1901, and all provisions of the Constitution of 1901 and amendments thereto that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted:

ARTICLE VII  
IMPEACHMENTS

Section 7.01. Impeachment of State Officers.

(a) The governor, or acting governor, and all state officers, and judges, who are elected on a statewide basis, shall be subject to impeachment by the house of representatives for willful neglect of duty, corruption in office, or the commission of any felony offense while in office.

(b) Unless otherwise provided by law, impeachment by the house of representatives shall be tried by the senate; sitting as a court of impeachment. When sitting as a court of impeachment, the senate shall have such judicial power reasonably necessary to carry out this purpose, including the power of subpoena. No person shall be convicted by the senate without the concurrence of at least two-third of the members present.

(c) When the governor, lieutenant governor, or acting governor is impeached, the chief justice, or one of the associate justices of the supreme court, to be selected by it, shall preside over the senate when sitting to try an impeached officer.

(d) If at any time when the legislature is not in session, a majority of all the members elected to the house of representatives shall certify in writing to the speaker of the house their desire to meet to consider the impeachment of the governor or acting governor, it shall be the duty of the speaker of the house to summon the members of the house to assemble at the capitol to consider the impeachment of the governor or acting governor. If the house of representatives prefers articles of impeachment, the lieutenant governor or president pro tempore of the senate, if the lieutenant governor has been impeached by the house, shall summon the members of the senate to assemble at the capitol for the purpose of trying the impeached officer.

(e) An officer impeached by the house of representatives shall be disqualified from performing any official duties and receiving any compensa-

tion until such officer has been tried and acquitted; and shall be removed from office upon conviction.

**Section 7.02. District Attorneys and sheriffs.**

District attorneys and sheriffs may be removed from office by the supreme court for any of the causes specified in Section 7.01(a), under such regulations as may be prescribed by law.

**Section 7.03. County and City Officers.**

All county officers and officers of incorporated cities and towns may be removed from office for any of the causes specified in section 7.01(a) of this article by a court having jurisdiction to try felony cases in the county or district in which such officers hold their office. The legislature shall provide by law the method of proceeding under this section, provided that the right of trial by jury and appeal in such cases shall be secured. This section shall not apply to the judge of any court who may be removed by procedures provided by the judicial article.

**Section 7.04. Penalties Upon Conviction.**

Any person convicted in cases arising under the three preceding sections shall be removed from office and shall be disqualified from holding any office under the state during the term for which such person was elected or appointed. But the person convicted, or acquitted, shall be subject to criminal punishment according to law.

3. Article 8, Sections 177 through 196, inclusive, of the Constitution of Alabama of 1901, and all other provisions of the Constitution of 1901 and amendments thereto, that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted:

**ARTICLE VIII  
SUFFRAGE AND ELECTIONS**

**Section 8.01. Qualifications for Voting.**

Every citizen of the United States who has attained the age of eighteen years and has resided in this state and in a county thereof for the time provided by law, if registered as provided by law, shall have the right to vote in the county of residence.

**Section 8.02. Disqualifications.**

No person convicted of a felony or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability.

**Section 8.03. Regulation of Elections.**

The legislature shall by law provide for the registration of voters, absentee voting, secrecy in voting, the administration of elections, and the nomination of candidates.

4. Amend section 6.09(d) of Article VI of the Constitution of 1901, as amended, as follows:

(d) The commission may submit a report to the legislature at any time within the first five calendar days of any session. If before the end of the tenth legislative day of the session to which the report is submitted, the legislature has not taken final action approving, disapproving or amending the recommendation of the commission, both houses of the legislature shall



as the first order of business on the eleventh legislative day cause a vote to be taken on whether the recommendations of the commission shall be approved, disapproved, or amended. If approved, or amended, the recommendations shall become law as approved or amended. The compensation of a judge shall not be diminished during the judge's term.

5. Amend section 6.17(b) of Article VI of the Constitution of 1901, as amended, as follows:

(b) The commission shall be convened permanently with authority to conduct investigations, receive or initiate complaints concerning any judge of a court of the judicial system of this state, excluding judges who are elected on a state-wide basis. The commission shall file a complaint with the court of the judiciary in the event that a majority of the members of the commission decide that a reasonable basis exists, (1) to charge a judge with violation of any canon of judicial ethics, misconduct in office, failure to perform duties, or (2) to charge that the judge is physically or mentally unable to perform the duties of said office. All proceedings of the commission shall be confidential, except the filing of a complaint with the court of the judiciary. The commission shall prosecute the complaints.

Section 2. All officers filling any office by election or appointment under Article 5 of the Constitution of 1901 shall continue the duties thereof, until their offices shall have been abolished or their successors elected and qualified in accordance with this amendment, or law authorized by this amendment. No provision of this amendment, or law authorized by this amendment, shall shorten the term of any person elected to state office prior to the date on which this amendment shall become effective.

Section 3. Except to the extent inconsistent with the provisions of this amendment, all provisions of law and rules of court in force on the effective date of this amendment shall continue in effect until superseded in the manner authorized by the constitution.

Section 4. An election upon the proposed amendment shall be held on the first special, primary or general election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and Section 17-3-7 of the Code of Alabama, 1975.

Section 5. Notice of the election and of the proposed amendment shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in a county, a copy of the notice shall be posted at the courthouse and at three other places in the county.

#### **AMENDMENT TO S. B. 58, AS LAST SUBSTITUTED AND AMENDED**

Amend S. B. 58, as last substituted and amended on Page 10, Section 5.12 (b), line 20, by striking after the words "shall be at least" the language: ~~thirty~~ and inserting in lieu thereof, the following: twenty-seven

and requested a Committee on Conference.

Yeas 22; Nays 1.

Yeas:

Senators:

Aldridge

Amari

Barron

Bedsole	deGraffenried	Kirkland	Parsons	
Cabaniss	Denton	Little	Smith (B)	
Cooley	Goodwin	Menton	Smith (J)	
Corbett	Harrison	Mitchell	Teague	
Covington	Holmes	Mitchem		—22
Nay: Senator Robertson				—1

And the President Pro Tempore of the Senate appointed as Committee on part of the Senate Senators deGraffenried, Aldridge, and Keener.

### BILLS ON THIRD READING RESUMED

#### The Bill:

H. 649. To amend Sections 16-50-20 and 16-50-25, Code of Alabama 1975, relating to the appointment, terms of office and number of members of the board of trustees for Alabama State University, so as to provide further for an additional trustee from the home district and the terms of office; and to allow reappointment for a certain period.

having been postponed on the Twenty-Sixth Legislative Day, was again taken up.

And said Bill, H. B. 649, was read a third time at length and passed.

Yeas 18; Nays 1.

#### Yeas:

Senators:	deGraffenried	Holmes	Mitchem	
Aldridge	Foshee	Kirkland	Robertson	
Bailey	Goodwin	Little	Smith (J)	
Corbett	Harrison	Menton	Teague	
Covington	Hilliard	Mitchell		—18

Nay: Senator Dixon —1

#### The Bill:

S. 308. To amend §13A-9-13.1, Code of Alabama 1975, so as to make clear that the crime of negotiating a worthless negotiable instrument includes the giving of a check in payment of a tax liability.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

#### Yeas:

Senators:	Covington	Holmes	Parsons	
Aldridge	Denton	Kirkland	Proctor	
Amari	Dixon	Little	Robertson	
Barron	Figures	Menton	Smith (B)	
Bedford	Foshee	Mitchell	Smith (J)	
Bedsole	Goodwin	Mitchem	Teague	
Cabaniss	Harrison			—25

Nays: —0

On motion of Senator Teague, Rule 36 was suspended to allow transmittal to the House of the above Bill, S. B. 308.

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**The Bill:**

S. 393. To amend Section 32-6-272, Code of Alabama 1975, relating to distinctive license plates for fire fighters, so as to provide said persons shall pay the same amount as rescue squad members for said plates.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

**Yeas:**

Senators:	Cabaniss	Foshee	Mitchem
Amari	Cooley	Harrison	Parsons
Bachus	Corbett	Holmes	Robertson
Bailey	Covington	Kirkland	Smith (B)
Barron	deGraffenried	Little	Smith (J)
Bedsole	Denton	Menton	Teague
Boyington	Dixon	Mitchell	

—26

**Nays:** —0

On motion of Senator Barron, Rule 36 was suspended to allow transmittal to the House of the above Bill, S. B. 393.

**RULE 36 SUSPENDED**

On motion of Senator Bedsole, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 226.

**BILLS ON THIRD READING RESUMED**

**The Bill:**

H. 360. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

was taken up.

On motion of Senator Denton, further consideration of the Bill, H. B. 360, was postponed temporarily.

Senator Denton then requested and received permission to suspend the Rules in order to bring up the Bill:

H. 630. To amend Section 32-5-215, Code of Alabama 1975, which provides for windshields on motor vehicles, so as to prohibit the use of tinted or obstructed windshields.

And said Bill, H. B. 630, was read a third time at length and passed.

Yeas 19; Nays 0.

**Yeas:**

Senators:	Boyington	Dixon	Mitchell
Amari	Cabaniss	Goodwin	Mitchem
Bailey	Corbett	Harrison	Smith (B)
Bedford	Covington	Holmes	Smith (J)
Bedsole	Denton	Menton	Teague

—19

*Nays:*

—0

The Bill:

S. 401. To exempt the Southern League Dixie Youth Baseball Inc., from the payment of all state, county and municipal sales and use taxes. was taken up.

Senator Harrison offered the following substitute for the Bill, S. B. 401, to-wit:

# **SUBSTITUTE TO S. B. 401**

## **A BILL TO BE ENTITLED AN ACT**

To exempt the Southern League Dixie Youth Baseball, Inc. and Southeastern League Dixie Youth Baseball, Inc. from the payment of all state, county and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Southern League Dixie Youth Baseball, Inc. of Montgomery, Alabama, and the Southeastern League Dixie Youth Baseball, Inc. of Montgomery, Alabama, are hereby exempted from paying any state, county or municipal sales or use taxes.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Mitchell	
Bailey	Cooley	Goodwin	Mitchem	
Bedford	Corbett	Harrison	Smith (B)	
Bedsole	Denton	Holmes	Teague	
Bishop	Dixon	Kirkland		—18

*Nays:*

—0

And said Bill, S. B. 401, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Cabaniss	Foshee	Robertson	
Amari	Cooley	Harrison	Smith (B)	
Bedsole	Corbett	Holmes	Smith (J)	
Bishop	deGraffenried	Kirkland	Teague	
Boyington	Figures	Little		—18

*Nays:*

—0

On motion of Senator Harrison, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 401.

The Bill:

S. 404. To amend sections 11-91-1 through 11-91-5 and 11-91-7, Code of Alabama 1975, relating to group life, health and accident insurance plans for officers and employees of municipalities and counties, so as to clarify which officers and employees should be included in such insurance plans; to supersede Act No. 716, H. 1342, 1977 Regular Session (Acts 1977, p. 1258) relating to hospitalization insurance for certain retired employees of municipalities having populations of 250,000 or more; and to repeal all laws or parts of laws in conflict herewith.

was taken up.

Senator Amari offered the following substitute for the Bill, S. B. 404, to-wit:

**SUBSTITUTE FOR S. B. 404**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend sections 11-91-1 through 11-91-7, Code of Alabama, 1975, relating to group life, health and accident insurance plans for officers and employees of municipalities and counties, so as to clarify which officers and employees and their dependents and their dependent survivors or any of them or all of them should be included in such insurance plans; to supersede Act No. 716, H. 1342, 1977 Regular Session (Acts 1977, p. 1258) relating to hospitalization insurance for certain retired employees of municipalities having populations of 250,000 or more; and to repeal all laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 11-91-1 through 11-91-7, Code of Alabama, 1975, are hereby amended to read as follows:

§ 11-91-1.

“(a) The council, commission or similar governing body of each municipal corporation, the board of directors of each incorporated municipal board, the county commission of each county, the board of education of each city, and the board of education for each county, now existing or established after August 16, 1947, shall have power and authority to contract for and obtain and maintain policies of group life, health, accident and hospitalization insurance or any one or more of them and shall have power and authority to contract for and obtain and maintain individual annuity contracts, retirement income policies or group annuity contracts to provide a retirement plan for the benefit of such of the officers and employees of such municipality, incorporated municipal board, county or board as may be determined by such governing body and as shall or may elect to accept the same and who may have authorized in writing such governing body to make deductions from their compensation or retirement benefits to pay premiums on any such policy or policies if such premiums are payable in whole or in part by such officer or employee.

“(b) The term “insurance” as used in this chapter includes the term “annuity,” and the terms “self-insurance policy,” and “self-insurance program” and the term “policy” includes the term “contract”.

“(c) The terms “officers” and “employees” as used in this chapter in-

clude the terms "dependents," meaning the dependents of said officers or employees and "dependent survivors", meaning the dependent survivors of said officers or employees and shall also include the term "active or retired officers" and "active or retired employees", and "retired employees regardless of age or retired officers regardless of age" or "any of them" "or all of them" authorized.

"(d) The term "dependent" as used in this chapter may have the same definition as used in the United States Internal Revenue Code as published and used as of July 1, 1983, however, the term "dependent" shall not be restricted to that definition, but may include "any of those named therein" or "all of those named therein" authorized.

§ 11-91-2.

"(a) All such governing bodies shall have authority to contract for and purchase any or all such policies of insurance from any insurer or insurers admitted to transact the business of such insurance in the State of Alabama, and the governing bodies of all state colleges and universities shall have, in addition to powers previously granted, the authority to contract for and purchase any or all of such policies of insurance from any nonprofit corporation organized and operated without profit to any private shareholder or individual exclusively for the purpose of aiding or strengthening educational institutions by issuing insurance and annuity contracts only to or for the benefit of such institutions and individuals engaged in the services of such institutions.

"(b) The amounts of insurance under any such policy must be based upon some plan precluding individual selection either by such officers and employees or by the governing body.

"(c) The coverage of any such policy may be limited to specified classes of officers and employees determined by conditions pertaining to employment but there shall be no discrimination within any such specified class.

§ 11-91-3.

It is hereby declared to be the intent of the legislature that this chapter shall be permissive and shall not be restrictive except that there shall be no discrimination within any specified classes as provided in Section 11-91-2 (c) of this Chapter, it is also declared to be the intent of the legislature that any such governing bodies shall have the power and authority to determine in their sole discretion the class or classes of officers or employees who are to be insured under any such policy or policies, the amount, nature and kind of insurance upon each such officer and employee and class thereof and whether the premium therefor shall be paid in whole or in part by such governing bodies and, if in part, the amount thereof that will be so paid.

§ 11-91-4.

Such governing bodies shall have authority to pay all or such part of the premium for such insurance as such governing bodies shall determine out of any available funds and to deduct that part of the premium, if any, which is to be paid by such officer or employee from the salary or wage or the retirement benefits of such officer or employee as may be authorized by him and to pay such deductions together with the remainder of such premium to the insurer issuing such policy in full payment of the premium.

§ 11-91-5.

"In the event there is a return of premium by any insurance company

or by any self-funded program under any such insurance contract, such return shall be made to the governing body and to the contributing officer or employee in the exact proportion in which they originally paid said premiums.

§ 11-91-6.

"Any such governing bodies may appropriate sufficient funds to carry out the provisions of this chapter."

§ 11-91-7.

"All contracts and policies of group life, health, accident and hospitalization insurance or any one or more of them which have been issued prior to August 16, 1947, to any municipal corporation, county, city or county board of education or any state agency or institution of education, learning, training or correction or for the delinquent, insane, sick, deaf, dumb, blind, needy, juvenile or aged for the benefit of its officers and employees or any portion of them are hereby ratified, confirmed, approved and validated."

"All acts done and all premiums paid by any such municipal corporation, county, board, agency or institution in accordance with the terms of any such contract or policy are hereby ratified, confirmed, approved and validated."

Section 2. The provisions of this amendatory act shall supersede the provisions of Act No. 716, H. 1342, 1977 Regular Session (Acts 1977, p. 1258).

Section 3. All laws or parts of laws whether general, local or special, in conflict with any part of this Act are hereby repealed to the extent of any such conflict.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Boyington	Figures	Little
Aldridge	Cabaniss	Foshee	Mitchell
Amari	Cooley	Goodwin	Parsons
Bachus	Corbett	Holmes	Smith (B)
Barron	Denton	Kirkland	Teague
Bishop	Dixon		

—21

Nays: —0

And said Bill, S. B. 404, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Boyington	Foshee	Mitchell
Amari	Cooley	Goodwin	Parsons
Bachus	Corbett	Holmes	Smith (B)
Barron	Denton	Kirkland	Smith (J)
Bishop	Figures	Little	Teague

—19

*Nays:*

—0

On motion of Senator Amari, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 404.

The Bill:

S. 258. To provide for the implementation of agreements to arbitrate disputes in accordance with the uniform arbitration act within the scope provided hereinbelow, to provide minimum standards for arbitration procedures and rules for review by the courts of arbitration awards, and to repeal Code of Alabama 1975, Sections 6-6-1 to 6-6-16, relating to arbitration and award.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Cabaniss	Hilliard	Parsons	
Aldridge	Corbett	Holmes	Smith (B)	
Bailey	deGraffenried	Kirkland	Smith (J)	
Bishop	Figures	Little	Teague	
Boyington	Harrison	Mitchell		—18

*Nays:*

—0

On motion of Senator Hilliard, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 258.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 163. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively, under the auspices of the state board of education; and to provide a method for funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect, under certain conditions, to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance.

Said Governor's Message being in words and figures as follows, to-wit:



**MESSAGE FROM THE GOVERNOR**

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace returning House Bill # 163, without the Governor's signature and approval and with the enclosed suggested Executive Amendment.

Done this 14th day of July, 1983.

Respectfully submitted,  
ELVIN L. STANTON,  
Executive Secretary.

**MESSAGE FROM THE GOVERNOR**

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill sign 163, without my signature and approval and with the following suggested Executive Amendment:

In House Bill # 163 as substituted and amended, on page 9, in Section 12, on line 6, on lines 13 and 14, and on line 22, after the words "basic medical" insert the words "and/or optional coverage." The adoption of the foregoing suggested Executive Amendment will remove my objections to this Bill.

Done this 14th day of July, 1983.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

The House has refused to make the amendment from His Excellency, the Governor, to the Bill by a vote of: Yeas 74, Nays 19.

And said Bill was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 82, Nays 14.

And said Bill, H. 163, together with the Governor's Message containing his objections, is herewith sent to the Senate.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE AND GOVERNOR'S MESSAGE**

Senator deGraffenried moved that the Senate reconsider the Bill, H. B. 163, the title of which is set out in the foregoing Message from the House.

Senator Cabaniss offered a substitute motion that the Senate non-concur in the action of the House.

On motion of Senator deGraffenried, the motion to non-concur was laid on the table.

The question was then on the motion of Senator deGraffenried, which was adopted, and said Bill, H. B. 163, was again read at length and passed,

the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being:

Yeas 24; Nays 6.

*Yeas:*

Senators:	Bishop	Foshee	Mitchell	
Aldridge	Cooley	Harrison	Mitchem	
Amari	Corbett	Hilliard	Parsons	
Bachus	deGraffenried	Holmes	Robertson	
Bailey	Denton	Kirkland	Smith (J)	
Barron	Dixon	Menton	Teague	
Bedsole				—24

*Nays:*

Senators:	Cabaniss	Goodwin	Smith (B)	
Boyington	Covington	Little		—6

### BILLS ON THIRD READING RESUMED

The Bill:

S. 137. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Bishop	Denton	Mitchem	
Amari	Boyington	Goodwin	Parsons	
Bachus	Cabaniss	Kirkland	Proctor	
Bailey	Corbett	Little	Smith (B)	
Bedsole	deGraffenried	Menton	Teague	—19

*Nays:* —0

On motion of Senator Cabaniss, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 137.

The Bill:

S. 539. To amend further Section 9-17-13 of the Code of Alabama 1975, relating to the integration of separately owned tracts of land and development of same in drilling units, so as to provide that non-consenting owners in a pooled drilling unit shall be required to pay their proportionate share of the drilling and completion cost out of their share of production plus a charge for risk of 200% of the actual drilling and completion costs, this cost to be paid out of first production, and in the event production is not obtained in paying quantities, the operator of the well shall have no charge against the non-consenting owner or owners.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

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*Yeas:*

<b>Senators:</b>	<b>Cabaniss</b>	<b>Goodwin</b>	<b>Menton</b>
<b>Bachus</b>	<b>Corbett</b>	<b>Harrison</b>	<b>Mitchem</b>
<b>Bailey</b>	<b>deGraffenried</b>	<b>Holmes</b>	<b>Parsons</b>
<b>Bedsole</b>	<b>Denton</b>	<b>Kirkland</b>	<b>Smith (B)</b>
<b>Bishop</b>	<b>Foshee</b>	<b>Little</b>	<b>Teague</b>
<b>Boyington</b>			

—20

*Nays:* —0

On motion of Senator Kirkland, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 539.

**The Bill:**

S. 432. To amend Section 36-26-17, Code of Alabama, 1975, as amended, to provide that if a department head appointed by the Governor has served in that position six or more years and a merit system position becomes available in that department, he may be appointed to that position by the Governor if he meets the qualifications for the applicable State merit system classification. He shall have State merit system status and be entitled to all of the benefits of the State merit system.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

**Yeas 20; Nays 0.**

*Yeas:*

<b>Senators:</b>	<b>Bedsole</b>	<b>Goodwin</b>	<b>Menton</b>
<b>Aldridge</b>	<b>Bishop</b>	<b>Harrison</b>	<b>Mitchem</b>
<b>Bachus</b>	<b>Denton</b>	<b>Holmes</b>	<b>Parsons</b>
<b>Bailey</b>	<b>Dixon</b>	<b>Kirkland</b>	<b>Robertson</b>
<b>Barron</b>	<b>Foshee</b>	<b>Little</b>	<b>Teague</b>
<b>Bedford</b>			

—20

*Nays:* —0

On motion of Senator Foshee, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 432.

**The Bill:**

S. 433. To amend Section 36-27-11, Code of Alabama, 1975, as amended, to provide that if a department head appointed by the Governor has been a member of the employees' retirement system as an employee, a State department head, and a county engineer prior to March 30, 1982 and has withdrawn his contributions to the retirement system, he shall have restored to him all credited service provided that said department head shall repay to the State treasurer of the retirement system within one year after the effective date of this act the amount previously returned to him including compounded interest of 8% to the date of repayment; provided further that said department head may receive credit toward retirement status in the employees' retirement system of Alabama for his full time military service provided that he makes the required contributions plus interest as provided in Section 36-27-4(d), Code of Alabama, 1975, within one year of the effective date of this act; provided further that said department head shall receive membership service credit with the employees' retirement system of Alabama for time served as a county engineer in a county which was not covered under the employees' retirement system of Alabama upon payment

of an amount equal to 4% of his compensation as a county engineer plus and together therewith 8% interest compounded from the last date of such claimed service as county engineer to the date of payment to the secretary/treasurer of the retirement systems of Alabama. Said lump sum payment to be made within one year of the effective date of this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Dixon	Kirkland	Proctor	
Barron	Foshee	Little	Robertson	
Bishop	Goodwin	Menton	Smith (B)	
Covington	Harrison	Mitchem	Teague	
Denton	Holmes	Parsons		—18

Nays: —0

On motion of Senator Foshee, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 433.

The Bill:

S. 5. To abolish the current advisory board of conservation and natural resources and to create in lieu thereof a game, fish, conservation and natural resources board; to prescribe its powers, functions and duties; and to repeal Sections 9-2-14 and 9-2-15 of the Code of Alabama 1975.

was taken up.

Senator deGraffenried moved that further consideration of the Bill, S. B. 5, be postponed until the Twenty-Ninth Legislative Day.

Senator Kirkland moved that said motion be laid on the table, which motion was lost.

Yeas 6; Nays 21.

Yeas:

Senators:	Covington	Holmes	Menton	
Bailey	Foshee	Kirkland		—6

Nays:

Senators:	Boyington	Figures	Mitchell	
Aldridge	Cabaniss	Goodwin	Mitchem	
Bachus	Corbett	Harrison	Parsons	
Barron	deGraffenried	Hilliard	Proctor	
Bedford	Denton	Little	Smith (B)	
Bedsole	Dixon			—21

The question recurred on the motion of Senator deGraffenried, that further consideration of the Bill, S. B. 5, be postponed until the Twenty-Ninth Legislative Day.

Senator Kirkland offered a substitute motion that further consideration of the Bill, S. B. 5, be indefinitely postponed, which motion was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 214. To amend Section 13A-6-45 of the Code of Alabama 1975, relating to interference with custody, so as to change the penalty for such offense from a misdemeanor to a felony.

Also:

H. 630. To amend Section 32-5-215, Code of Alabama 1975, which provides for windshields on motor vehicles, so as to prohibit the use of tinted or obstructed windshields.

Also:

H. 649. To amend Sections 16-50-20 and 16-50-25, Code of Alabama 1975, relating to the appointment, terms of office and number of members of the board of trustees for Alabama State University, so as to provide further for an additional trustee from the home district and the terms of office; and to allow reappointment for a certain period.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 312. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

was read a third time at length and passed, and ordered sent forthwith to

the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Senators:	Boyington	Harrison	Mitchem
Aldridge	Cabaniss	Hilliard	Parsons
Bachus	deGraffenried	Holmes	Robertson
Bailey	Dixon	Kirkland	Smith (B)
Bedford	Foshee	Little	Smith (J)
Bedsole	Goodwin	Menton	Teague
Bishop			—24

*Nays:* —0

On motion of Senator Kirkland, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 312.

The Bill:

S. 510. To amend section 6-10-6, Code of Alabama 1975, relating to exemption of certain personal property from levy and sale under execution, so as to provide that no such property upon which a debtor has voluntarily granted a lien shall be subject to such exemption.

was read a third time at length and passed.

Yeas 20; Nays 3.

*Yeas:*

Senators:	Boyington	Kirkland	Proctor
Bachus	Corbett	Little	Robertson
Bailey	Goodwin	Mitchell	Smith (B)
Barron	Harrison	Mitchem	Smith (J)
Bedford	Holmes	Parsons	Teague
Bishop			—20

*Nays:* Senators: Figures, Hilliard, and Pearson —3

Senator Parsons moved the Rule 36 be suspended to allow transmittal to the House of the Bill, S. B. 510, which motion was lost.

The Bill:

S. 413. To amend the Code of Alabama, 1975, Section 36-25-14, so as to require additional information regarding financial disclosure from certain public officials and employees.

was taken up.

Senator Mitchell was granted unanimous consent to substitute the following Bill:

S. 414. To amend Code of Alabama, 1975, Section 36-25-27, so as to reduce the possible penalty for violating the law from up to ten years imprisonment to a period of up to five years imprisonment; and set a maximum fine of \$1,000 for failure to file the appropriate disclosure statement. in place of S. B. 413.

And said Bill, S. B. 414, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

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*Yeas:*

Senators:	Cabaniss	Kirkland	Pearson	
Aldridge	Corbett	Little	Proctor	
Barron	deGraffenried	Menton	Robertson	
Bedsole	Denton	Mitchell	Smith (B)	
Bishop	Goodwin	Mitchem	Smith (J)	
Boyington	Holmes	Parsons	Teague	—23

*Nays:* —0

On motion of Senator Mitchell, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 414.

**The Bill:**

S. 163. To amend Section 24-5-10(c), Code of Alabama 1975, which establishes a designated "state fire marshal's fund", to clarify that such fund be considered a "revolving fund" and fees collected by the state fire marshal division may be expended for use by that division.

was read a third time at length and passed.

**Yeas 16; Nays 1.**

*Yeas:*

Senators:	Cabaniss	Holmes	Proctor	
Aldridge	Corbett	Little	Robertson	
Bedford	Denton	Menton	Smith (B)	
Bedsole	Harrison	Mitchem	Smith (J)	
Bishop				—16

*Nays:* Senator Teague —1

(The President Pro Tempore of the Senate declared a quorum present but not voting.)

**The Bill:**

H. 72. Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend § 34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from \$30 to \$50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting

witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

was taken up.

Senator Pearson offered the following amendment to the Bill, H. B. 72, to-wit:

#### AMENDMENT TO H. 72

On page 7, line 34, in subsection (4) between the words "such" and "programs" add the following underlined words:

nursing educational

On page 8, in subsection (4), delete lines 7 through 9 and insert in lieu thereof the following:

power of the state board of education or other constitutionally or legislatively established state agencies to govern the schools under their respective jurisdictions.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Boyington	Holmes	Pearson	
Aldridge	Cabaniss	Kirkland	Proctor	
Bachus	Corbett	Little	Robertson	
Barron	deGraffenried	Menton	Smith (B)	
Bedford	Denton	Mitchell	Smith (J)	
Bedsole	Foshee	Mitchem	Teague	
Bishop	Goodwin			—25

Nays:

—0

And said Bill, H. B. 72, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Cooley	Holmes	Pearson	
Bachus	deGraffenried	Kirkland	Proctor	
Bedsole	Denton	Little	Robertson	
Bishop	Foshee	Menton	Smith (B)	
Boyington	Goodwin	Mitchell	Smith (J)	
Cabaniss	Harrison	Mitchem	Teague	—23

Nays:

—0

#### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 256. CREATING A PERMANENT JOINT COMMITTEE TO STUDY OIL AND GAS, TO BE CALLED THE "ALABAMA OIL



AND GAS STUDY COMMITTEE," EFFECTIVE JANUARY 1, 1984.

On motion of Senator Foshee, the Resolution was then adopted by the Senate.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 286. RESOLVED BY THE SENATE That the following bills will be the paramount and continuing order and taking precedence over any and all other business of the Senate until disposed of:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 54	Mot. carrier reg. fees	165
H. B. 55	Gas service line fees	20 suppl.
S. B. 470	Housing low cost, National Housing Act	31
S. B. 211	Controlled Substances	25
S. B. 154	Split sentence	25 suppl.
H. B. 340	Court Costs Rev.	125
S. B. 283	Child Abuse	46
S. B. 165	Commissioner of Insurance, hearing	14
S. B. 323	Libraries, property tax	54
S. B. 408	Probate Offices, fees and charges	76
S. B. 409	Probate Offices, recordation tax	72
S. B. 410	Probate Judges and Commissioners, comp.	76
S. B. 555	State Ind. Dev. Auth, Bonds	31 suppl.
S. B. 556	State Ind. Dev. Auth., Cig.	32 suppl.

On motion of Senator Bishop, the Resolution was adopted by the Senate.

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the next special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 54. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

Senator Parsons offered the following substitute for the Bill, H. B. 54, to-wit:

#### SUBSTITUTE FOR H. B. 54

#### A BILL TO BE ENTITLED AN ACT

To amend Section 37-3-32, Code of Alabama 1975, to increase registra-

tion fees of motor carriers operating over the state highways; to provide for the disposition of such fees to the public service commission, to the motor carrier fund, and to the state road and bridge fund; and to provide for reciprocity agreements with other states regarding payment of said fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 37-3-32 of the Code of Alabama 1975 is hereby amended to read as follows:

"Section 37-3-32. Fees.

"In addition to all of the taxes and fees prescribed by law, motor carriers shall pay to the commission under the provisions of this chapter the following:

"(1) Every application for a certificate of public convenience and necessity or permit under this chapter shall be accompanied by an application fee in the amount of \$100.00.

"(2) Every application for an amendment of a certificate of public convenience and necessity or permit shall be accompanied by an application fee of \$100.00.

"(3) Every application for transfer of a certificate of public convenience and necessity or permit shall be accompanied by a fee of \$25.00.

"(4) Every application for approval of a lease of a certificate of public convenience and necessity for a period of more than six months shall be accompanied by a fee of \$10.00.

"(5) For every motor vehicle to be used by a motor carrier on the highways of the state of Alabama there shall be paid a registration fee in the amount of \$1.00 \$5.00, and the commission is given authority to adopt reasonable rules and regulations for the issuance of an appropriate or distinguishing number for each such motor vehicle upon which the registration fee prescribed by this chapter shall have been paid, and such registration or distinguishing number shall remain with the motor vehicle for which it was issued and shall be nontransferable. It shall be unlawful for a motor vehicle to be operated on the highways of this state without having conspicuously displayed on the sides thereof a registration or distinguishing number duly prescribed and issued for such vehicle by the commission under the provisions of this chapter.

"(5)a. Of such registration fees, \$1.00 shall be paid into the state treasury in the motor carrier fund as provided in this section. Of such registration fees, \$2.00 shall be paid over to the treasurer and shall be held in a separate fund by, and shall be paid out by the treasurer in payment of expenses incurred by the commission in the regulation of motor carriers upon warrants drawn as provided by law upon the treasurer and approved as required by law. The remaining portion of this fee (\$2.00) shall be paid over to the state treasurer and shall be credited to the Department of Public Safety.

"The Commission may negotiate and enter into written reciprocity agreements with other states regarding the payment of these fees.

"All said tax penalties, fees and allowances collected under this chapter except those registration fees in excess of \$1.00 collected under subsection (5) above shall be paid into the state treasury within 30 days after their receipt and shall be kept separate and apart from all other funds by the state treasury in a fund to be known as the 'motor carrier fund'."

Section 2. All laws or parts of law which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Mitchem, further consideration of the Bill, H. B. 54, was postponed subject to the call of the Chair.

The Bill:

H. 530. To regulate further the office of chief deputy sheriff in Jefferson County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; to authorize the sheriff of Jefferson County to appoint the chief deputy sheriff; and to prescribe the effective date of such act.

was taken up.

Senator Hilliard offered the following amendment to the Bill, H. B. 530, to-wit:

**AMENDMENT TO H. B. 530**

Amend House Bill 530 on Page 1, Section 2, line 35 by adding the following language: paid. The chief deputy shall

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchell
Amari	Cooley	Hilliard	Mitchem
Bachus	Corbett	Holmes	Parsons
Barron	Denton	Kirkland	Pearson
Bedford	Dixon	Little	Proctor
Bedsole	Figures	Menton	Teague
Bishop	Foshee		

—25

Nays: —0

And said Bill, H. B. 530, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchell
Amari	Cooley	Hilliard	Mitchem
Bailey	Corbett	Holmes	Parsons
Barron	Denton	Kirkland	Pearson
Bedford	Dixon	Little	Proctor
Bedsole	Figures	Menton	Teague
Bishop	Foshee		

—25

Nay: Senator Bachus —1

The Bill:

H. 55 To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which

comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of \$.50 per active service line per year for each active service line in said system.

was read a third time at length and passed.

Yeas 20; Nays 1.

*Yeas:*

Senators:	Bedsole	Foshee	Parsons	
Aldridge	Bishop	Little	Proctor	
Bachus	Cabaniss	Menton	Robertson	
Bailey	Covington	Mitchell	Smith (B)	
Barron	Denton	Mitchem	Smith (J)	
Bedford				—20

*Nay:* Senator Holmes —1

*The Bill:*

S. 470. To exempt from the payment of any and all state, county and municipal ad valorem taxes on real and personal property of certain Alabama nonprofit corporations organized for the purpose of providing low cost housing for certain elderly or handicapped persons when the projects of any such nonprofit corporation are financed by loans made, insured or guaranteed by the United States government under provisions of the National Housing Act or of the United States Housing Act of 1937; to provide certain other qualifications for such exemptions including the requirement of certain charter provisions relating to compensation of directors and officers, distribution of income or assets and the conveyance of assets in the event of dissolution or other liquidation.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Senators:	Boyington	Goodwin	Mitchem	
Aldridge	Cooley	Holmes	Parsons	
Barron	Covington	Kirkland	Proctor	
Bedford	deGraffenried	Little	Robertson	
Bedsole	Denton	Menton	Smith (J)	
Bishop	Foshee	Mitchell	Teague	—23

*Nays:* —0

On motion of Senator Foshee, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 470.

#### FURTHER CONSIDERATION OF H. B. 54

The Senate proceeded to further consideration of the Bill, H. B. 54. The question was on the substitute offered by Senator Parsons.

Senator Mitchem moved that said substitute be laid on the table, which motion was lost.

Yeas 6; Nays 14.

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*Yeas:*

Senators:	Bedford	Mitchem	Robertson
Bailey	Little	Proctor	—6

*Nays:*

Senators:	Cooley	Figures	Parsons
Aldridge	Covington	Foshee	Smith (B)
Bachus	deGraffenried	Harrison	Teague
Bedsole	Denton	Mitchell	—14

The question then recurred on the Parsons substitute, which said substitute was then adopted.

Yeas 19; Nays 3.

*Yeas:*

Senators:	Bedsole	Figures	Parsons
Aldridge	Bishop	Harrison	Robertson
Bachus	Cooley	Holmes	Smith (B)
Bailey	Covington	Menton	Smith (J)
Bedford	Denton	Mitchell	Teague
			—19

*Nays:*

Senators:	Little	Mitchem	Proctor
			—3

And said Bill, H. B. 54, as thus amended by substitute, was read a third time at length and passed.

Yeas 16; Nays 4.

*Yeas:*

Senators:	Cooley	Figures	Robertson
Bedford	Covington	Harrison	Smith (B)
Bedsole	deGraffenried	Menton	Smith (J)
Bishop	Denton	Parsons	Teague
Boyington			—16

*Nays:*

Senators:	Holmes	Mitchem	Proctor
Foshee			—4

The Bill:

S. 211. To define and set the punishment for the crimes of; unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, Sections 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, Sections 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date 90 days after its passage and approval.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

<b>Senators:</b>	<b>Bedsole</b>	<b>Holmes</b>	<b>Parsons</b>
<b>Aldridge</b>	<b>Bishop</b>	<b>Kirkland</b>	<b>Proctor</b>
<b>Amari</b>	<b>Boyington</b>	<b>Little</b>	<b>Robertson</b>
<b>Bachus</b>	<b>Covington</b>	<b>Menton</b>	<b>Smith (B)</b>
<b>Bailey</b>	<b>Denton</b>	<b>Mitchell</b>	<b>Smith (J)</b>
<b>Barron</b>	<b>Goodwin</b>	<b>Mitchem</b>	<b>Teague</b>
<b>Bedford</b>	<b>Harrison</b>		

—25

*Nays:*

—0

On motion of Senator Smith (J), Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 211.

**The Bill:**

S. 154. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

**Yeas: 24; Nays 0.***Yeas:*

<b>Senators:</b>	<b>Cooley</b>	<b>Holmes</b>	<b>Parsons</b>
<b>Bachus</b>	<b>Covington</b>	<b>Kirkland</b>	<b>Proctor</b>
<b>Bailey</b>	<b>Denton</b>	<b>Little</b>	<b>Robertson</b>
<b>Barron</b>	<b>Figures</b>	<b>Menton</b>	<b>Smith (B)</b>
<b>Bishop</b>	<b>Goodwin</b>	<b>Mitchell</b>	<b>Smith (J)</b>
<b>Boyington</b>	<b>Harrison</b>	<b>Mitchem</b>	<b>Teague</b>
<b>Cabaniss</b>			

—24

*Nays:*

—0

On motion of Senator Smith (J), Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 154.

**The Bill:**

H. 340. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts so as to enhance that portion of the fee schedule distributed to the state general fund, and to provide for the effective date of this Act.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 340, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 340

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts so as to enhance that portion of the fee schedule distributed to the state general fund; to amend Section 12-2-20, Code of Alabama 1975, so as to further provide for, regulate and limit the use of the fees paid into the administrative fund of the supreme court; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-19-71, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-71. Same - Amount.

The docket fees which shall be collected in civil cases shall be:

- (1) ~~Ten~~ Twenty dollars for cases filed on the small claims docket of the district court;
- (2) ~~Twenty-five~~ Thirty-eight dollars for cases otherwise filed in the district court;
- (3) ~~Thirty-five~~ Fifty-five dollars for cases filed in the circuit court; and
- (4) An additional ~~\$10.00~~ \$15.00 to be paid at the time the jury is demanded by any party demanding a jury."

Section 2. Section 12-19-72, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-72. Same - Distribution.

The docket fees collected in civil cases shall be distributed as follows:

- (1) For cases on the small claims docket of the district court, ~~\$2.00~~ \$7.00 to the fair trial tax fund, ~~\$3.00~~ \$8.00 to the state general fund, \$5.00 to the county general fund.
- (2) For other district court cases, ~~\$2.00~~ \$7.00 to the trial tax fund, ~~\$10.00~~ \$26.00 to the state general fund, and ~~\$5.00~~ to the county general fund.
- (3) For cases filed in circuit court, ~~\$2.00~~ \$7.00 to the fair trial tax fund, ~~\$28.00~~ \$43.00 to the state general fund, ~~\$5.00~~ to the county general fund.
- (4) Ten dollars of ~~A all sums paid pursuant to subdivision (4) of section 12-19-71 shall be paid to the fair trial tax fund, and five dollars to the state general fund.~~

Section 3. Section 12-19-73, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-73. Circuit and district court defendant service fees.

(a) The following defendant service fees shall be collected in civil cases in circuit court and district court:

- (1) For each defendant in excess of one, where personal service is required, there shall be collected a service fee of ~~\$5.00~~ \$7.00. For each nonresident defendant there shall be collected a service fee of ~~\$5.00~~ \$7.00, except

where service is by publication or by registered mail, not to be cumulative with the service fee for multiple defendants. This service fee shall be paid at the time of filing; except, that prepayments shall not be required if the court finds that payment of such fee will constitute a substantial hardship. A verified statement, signed by the plaintiff and approved by the court, shall be filed with the clerk of court attesting to such substantial hardship.

(2) Where notice by publication or registered mail is used, the actual cost shall be collected before publication as a service fee at the outset of the case.

(b) The defendant service fees collected in civil cases shall be distributed as follows: The first ~~\$2.00~~ \$3.00 of each service fee shall be paid to the county general fund, and the balance of each service fee shall be paid to the state general fund."

Section 4. Section 12-19-74, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-74. Circuit and district court fee for service of witness subpoenas.

(a) In civil cases in circuit court and district court, for the issuance service of witness subpoenas a fee of ~~\$2.00~~ \$4.00 shall be collected for each subpoena.

(b) Subpoena fees collected in civil cases shall be distributed three-fourths to the county general fund and one-fourth to the state general fund."

Section 5. Section 12-19-75, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-75. Circuit and district court attachment, garnishment and execution fees.

(a) In civil cases in circuit court and district court there shall be collected a fee for the initiation of each of the following postjudgment proceedings: attachment, garnishment and execution. The fee for such proceeding shall be paid at the time the proceeding is initiated.

(b) The amounts of the postjudgment fees shall be as follows:

(1) ~~Nine~~ Eleven dollars for attachment;

(2) ~~Nine~~ Eleven dollars for garnishment; and

(3) ~~Five~~ Seven dollars for execution.

(c) The postjudgment fees collected in civil cases shall be distributed as follows:

(1) ~~Six~~ Eight dollars of the attachment fee to the state general fund; and ~~\$3.00~~ of the attachment fee to the county general fund.

(2) ~~Six~~ Eight dollars of the garnishment fee to the state general fund; and ~~\$3.00~~ of the garnishment fee to the county general fund.

(3) ~~Three~~ Five dollars of the execution fee to the state general fund; and ~~\$2.00~~ of the execution fee to the county general fund.

Section 6. Section 12-19-171, Code of Alabama 1975, is hereby amended to read as follows:

"§12-19-171. Amount of docket fees in juvenile and criminal cases in



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circuit and district courts generally; witness fees; fee for service of witness subpoenas.

(a) The following docket fees shall be collected for juvenile and criminal cases in the district court and the circuit court:

(1) District Court:

(a) Traffic infraction .....	<del>\$22.50</del>	\$ 37.50
(b) <del>Execution</del> Issuance of alias writ .....	5.00	10.00
(c) Misdemeanor-Violation .....	<del>35.00</del>	55.00
(d) Felony guilty plea .....	<del>77.00</del>	102.00
(e) Preliminary hearing.....	<del>10.00</del>	15.00
(f) Bond forfeiture.....	<del>15.00</del>	25.00

(2) Circuit Court:

(a) Execution of alias writ.....	<del>\$15.00</del>	\$ 20.00
(b) Misdemeanor .....	<del>35.00</del>	55.00
(c) Felony .....	<del>\$77.00</del>	\$102.00
(d) Bond forfeiture.....	<del>15.00</del>	25.00

(3) Docket fees for cases in the juvenile division of the district court or circuit court shall be assessed at ~~\$25.00~~ \$40.00 and ~~to~~ shall be distributed as ~~docket fees for civil cases in the district court follows:~~ \$7.00 to the fair trial tax fund, \$18.00 to the state general fund, \$10.00 to the county general fund, and \$5.00 to the peace officers' standards and training fund. Uncollected court costs in juvenile cases may not be assessed as charges against the county.

(b) Witness fees shall be collected and distributed pursuant to law. Witness fees shall be in addition to docket fees.

(c) A fee of ~~\$2.00~~ \$4.00 shall be collected for the issuance service and return of each witness subpoena. The subpoena fee shall be distributed three-fourths to the county general fund and one-fourth to the state general fund.

Section 7. Section 12-19-172, Code of Alabama 1975, is hereby amended to read as follows:

§12-19-172. Amounts of docket fees in municipal ordinance cases in circuit and district courts.

(a) The following docket fees shall be collected for municipal ordinance cases in the district court:

(1) Traffic infraction .....	<del>\$22.50</del>	\$37.50
(2) Execution of alias writ.....	5.00	10.00
(3) Other ordinance violations .....	<del>35.00</del>	55.00
(4) Bond forfeiture.....	<del>15.00</del>	25.00

(b) On appeals de novo to the circuit court, the docket fees in municipal ordinance cases shall be the same as those collected for misdemeanor

cases.”

Section 8. Section 12-19-173, Code of Alabama 1975, is hereby amended to read as follows:

“§12-19-173. Distribution of docket fees - Cases in circuit and district courts in which bond forfeited.

The following distribution shall be made of docket fees in cases where the defendant forfeits bond in either the district court or circuit court: \$2.00 \$7.00 to the fair trial tax fund; ~~\$8.00~~ \$13.00 to the state general fund; and \$5.00 to the county general fund.”

Section 9. Section 12-19-174, Code of Alabama 1975, is hereby amended to read as follows:

“§12-19-174. Same - Felony cases in circuit court.

The following distribution shall be made of docket fees for felony cases in circuit court: \$10.00 to the peace officers' annuity fund; ~~\$2.00~~ \$7.00 to the fair trial tax fund; ~~\$25.00~~ \$35.00 to the state general fund; ~~\$5.00~~ to the county general fund; an arrest fee of \$5.00 to the state general fund or to the state funds prescribed by law; except, that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund; and \$30.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; \$10.00 to the peace officers' standards and training fund.”

Section 10. Section 12-19-175, Code of Alabama 1975, is hereby amended to read as follows:

“§12-19-175. Same - Misdemeanor cases in circuit court.

The following distribution shall be made of docket fees for misdemeanors in circuit court: \$2.00 \$7.00 to the fair trial tax fund; ~~\$8.00~~ \$18.00 to the state general fund; \$10.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; and \$5.00 to the peace officers' annuity fund; and \$5.00 to the peace officers' standards and training fund, provided however, that the \$5.00 provided herein for the peace officers' standards and training fund shall not be assessed and collected in traffic or conservation cases.”

Section 11. Section 12-19-176, Code of Alabama 1975, is hereby amended to read as follows:

“§12-19-176. Same - Felony guilty pleas in district court.

The following distribution shall be made of docket fees for felony guilty plea cases in district court: \$10.00 to the police officers' annuity fund; ~~\$2.00~~ \$7.00 to the fair trial tax fund; ~~\$25.00~~ \$35.00 to the state general fund; \$5.00 to the county general fund; an arrest fee of ~~\$5.00~~ to the state general fund or the state funds prescribed by law; except, that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund; and \$30.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; \$10.00 to the peace officers' standards and training fund.”

Section 12. Section 12-19-177, Code of Alabama 1975, is hereby amended to read as follows:

“§12-19-177. Same - Preliminary hearings in district court.

The docket fee collected in circuit court for preliminary hearings in dis-

trict court shall be remitted to the state general fund."

Section 13. Section 12-19-178, Code of Alabama 1975, is hereby amended to read as follows:

"§12-19-178. Same - Misdemeanor cases in district court.

The following distribution shall be made of docket fees for misdemeanor cases in district court: \$5.00 to the police officers' annuity fund; ~~\$2.00~~ \$7.00 to the fair trial tax fund; ~~\$8.00~~ \$18.00 to the state general fund; \$5.00 to the county general fund; an arrest fee of \$5.00 to the state general fund or to the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; and \$10.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; \$5.00 to the peace officers' standards and training fund, provided however, that the \$5.00 provided herein for the peace officers' standards and training fund shall not be assessed and collected in conservation cases."

Section 14. Section 12-19-179, Code of Alabama 1975, is hereby amended to read as follows:

"§12-19-179. Same - Traffic infractions in district court.

(a) The following distribution shall be made of docket fees for traffic infractions in district court: \$1.00 to the police officers' annuity fund; ~~\$2.00~~ \$7.00 to the fair trial tax fund; \$1.00 to the driver education fund; ~~\$8.00~~ \$18.00 to the state general fund; \$3.00 to the county general fund; an arrest fee of \$5.00 to the state general fund or the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; and ~~and, as provided by law,~~ \$2.50 to the district attorney fund or to the fund prescribed by law for district attorney fees."

(b) Fees for execution of alias writs from circuit and district courts shall be distributed as follows: writs issuing from district court, \$2.00 to the county general fund; and ~~\$3.00~~ \$8.00 to the state general fund; writs issuing from circuit court, \$5.00 to the county general fund; and ~~\$10.00~~ \$15.00 to the state general fund."

Section 15. Section 12-19-250.1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-250.1. Imposition of additional fee on every case; charge and collection; distribution to fair trial tax fund.

(a) In each and every criminal or quasi-criminal case and every civil action docketed in the municipal, ~~district and circuit~~ courts of the state of Alabama in which the fair trial tax is collected as provided by law, an additional \$5.00 shall be assessed by the clerk ~~or register~~ of the court or by the judge of such court, if there is no clerk ~~or register~~, as costs in each case.

(b) The \$5.00 fee prescribed herein shall be charged and collected as other costs are charged and collected and shall be cumulative with and in addition to all other court costs, fees, or taxes imposed by law.

~~(c) All receipts from the \$5.00 fee prescribed shall be distributed to the fair trial tax fund as provided in section 12-19-251, and shall be in addition to all other receipts presently paid into said fund as provided by law.~~

(d) ~~Notwithstanding the provisions of this section, the~~ fees charged and collected in the municipal courts pursuant to the provisions of this section shall be distributed in accordance with the provisions of section 12-19-251.1

Section 16. Section 12-19-24, Code of Alabama 1975, entitled "Additional court fees in criminal and juvenile cases," is hereby expressly repealed.

Section 17. Section 12-2-20, Code of Alabama 1975, is hereby amended so as to read as follows:

"§ 12-2-20. The supreme court is further authorized and empowered to use moneys or funds appropriated to it, including, but not limited to, the moneys appropriated for the administrative fund, advisory committee work and judicial education, for any judicial purposes the supreme court may direct, including, but not limited to, the preservation, acquisition, framing and repair of portraits, pictures, murals, photographs, resolutions and orders of the court, historical documents and archives; the publishing of books, pamphlets and other publications; the use of consultants; expenses of visiting jurists and other judicial or legally related individuals who are performing services to the courts of this state; ceremonies; and seminars and conferences pertaining to courts and the administration of justice for justices, judges and court-related personnel within or outside the state, and the clerk of said court is authorized to direct payment for all expenses connected therewith, including, but not limited to, meal meetings; provided, however, any law to the contrary notwithstanding, fees authorized by law, court rule or order for certificates, documents, and any other copies of the court records of the supreme court shall be paid by the clerk of the supreme court into the administrative fund and shall be expended therefrom on the monthly written requisition of the chief justice as an allowance for the office of the chief justice not otherwise provided by law; provided further however, such allowance shall be and is hereby limited to the amount of such fees collected and paid into said administrative fund."

Section 18. Except for law library fees, the fees and costs prescribed in this Act for circuit and district courts shall be exclusive of all other fees and costs that are prescribed by general law for such courts.

Section 19. The fees and costs provided herein shall be assessed and collected in all civil cases or proceedings filed on or after the effective date of this Act and in all criminal cases wherein the defendant is adjudicated guilty or pleads guilty or where a bond is forfeited and the result of the forfeiture is a final disposition case on or after the effective date of this Act.

Section 20. All laws or parts of laws in conflict herewith are hereby repealed.

Section 21. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 22. This Act shall become effective 30 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the

following House bills:

H. 421. To amend Section 34-8A-23, Code of Alabama 1975, which provides for the waiver of examinations by the board of examiners in counseling, so as to provide further for said waiver.

Also:

H. 575. To amend Section 25-5-50, Code of Alabama 1975, which provides for exemptions from coverage under Workmen's Compensation, so as to provide that corporate officers may elect to be exempt from coverage.

Also:

H. 675. To provide for the "Alabama Cogeneration Act of 1983"; to provide a statement of public policy and legislative intent underlying its enactment; to provide for the adoption of rules relating to the treatment of capacity and energy available from cogeneration facilities in Alabama consistent with the rules promulgated by the Federal Energy Regulatory Commission under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978, ("PURPA") 16 U.S.C. § 796(17)-(22) and 16 U.S.C. § 824 a-3 (Supp. V); to provide for the authority of the Public Service Commission under this law; and to provide for the manner in which it shall become law.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 126. To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at an industry, so as to provide for the least economic disruption to such workers and their creditors.

Also:

H. 85. Relating to Jefferson County; to repeal Section 2 of Act 681, H. 505, 1977 Regular Session, relating to the duties of the executive assistant to the sheriff and granting said assistant an expense allowance.

Also:

H. 725. Relating to the City of Alexander City in Tallapoosa County; authorizing the City of Alexander City to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

H. 53. Relating to Colbert County; providing further for the distribu-

tion of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Also:

H. 38. Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge and the circuit clerk of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge and the circuit clerk.

Also:

H. 517. To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

And the Speaker of the House has appointed as a Committee on the part of the House Reps. Johnson (Roy), Browder, and Casey.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF H. B. 340

The Senate proceeded to further consideration of the Bill, H. B. 340. The question was on the Committee substitute.

#### RESOLUTION

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 287. COMMENDING DR. CURTIS H. ADAMS.

Which was adopted.

#### FURTHER CONSIDERATION OF H. B. 340

The Senate proceeded to further consideration of the Bill, H. B. 340. The question was on the Committee substitute.

Senator Kirkland offered the following amendment to the substitute for the Bill, H. B. 340, to-wit:

#### AMENDMENT TO THE SUBSTITUTE FOR H. B. 340

On page 10, line 10, after the language "Section 19.", insert the follow-

ing language:

Unless provided otherwise by local law,

On motin of Senator Bishop, further consideration of the Bill, H. B. 340, and pending Kirkland amendment to the Committee substitute, was postponed until the Twenty-Eighth Legislative Day, subject to the call of the Chair.

The Bill:

S. 283. Providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases; and providing for periodic review of the circumstances of certain children.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Holmes	Robertson
Bedford	deGraffenried	Kirkland	Smith (B)
Bedsole	Dixon	Menton	Smith (J)
Bishop	Goodwin	Mitchem	Teague
Boyington	Hilliard	Parsons	—18

Nays: —0

On motion of Senator Smith (J), Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 283.

Senator Covington requested and received permission to suspend the Rules in order to bring up the Bill:

H. 20. To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama, and in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; limits the program to one limited license student or graduate to one sponsor licensed to practice chiropractic; to empower the Board to establish rules and regulations for the implementation of this act.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	Bishop	Covington	Goodwin
Bedford	Boyington	deGraffenried	Hilliard
Bedsole	Corbett	Dixon	Holmes

Little	Mitchell	Robertson	Smith (J)	
Menton	Parsons	Smith (B)	Teague	—19

Nays: —0

The Bill:

S. 165. To permit the Commissioner of Insurance to levy a civil penalty of not more than \$10,000.00 for violations of Insurance Code following an administrative hearing.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Holmes	Robertson	
Bedford	deGraffenried	Little	Smith (B)	
Bedsole	Figures	Menton	Smith (J)	
Bishop	Foshee	Mitchell	Teague	
Boyington	Goodwin	Mitchem		—18

Nays: —0

The Bill:

S. 323. Proposing an amendment to Amendment No. 269 to the Constitution of Alabama of 1901 relating to a special property tax by counties or municipalities for library purposes.

was taken up.

On motion of Senator Little, further consideration of the Bill, S. B. 323, was postponed subject to the call of the Chair.

The Bill:

S. 408. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

was taken up.

Senator Bedford offered the following amendment to the Bill, S. B. 408, to-wit:

#### AMENDMENT TO S. B. 408

Amend Senate Bill No. S. B. 408 Page 5, Line 23, by striking out "\$20.00"

And inserting in lieu thereof "\$10.00"

And on page 6, line 6 by striking out "\$1.00" and inserting in lieu thereof "50¢"

And on page 6, line 7, by striking out "\$300.00" and inserting in lieu thereof "\$200.00"

And on page 6, line 8, by striking out "\$15.00" and inserting in lieu thereof "\$10.00".



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Also:

Amend Senate Bill No. 408 Page 5, Line 23, by striking out \$20.00  
and inserting in lieu thereof \$10.00

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Cooley	Goodwin	Mitchell	
Aldridge	Corbett	Holmes	Mitchem	
Bedford	Covington	Kirkland	Smith (B)	
Bedsole	deGraffenried	Little	Smith (J)	
Boyington	Dixon	Menton		—18

*Nays:* —0

And said Bill, S. B. 408, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 11; Nays 4.

*Yeas:*

Senators:	Corbett	Foshee	Mitchem	
Aldridge	Covington	Goodwin	Smith (J)	
Cooley	Figures	Mitchell	Teague	—11

*Nays:* Senators: Barron, Dixon, Holmes, and Little —4

(The President Pro Tempore of the Senate declared a quorum present but not voting.)

On motion of Senator Bedford, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 408.

The Bill:

S. 409. To amend Sections 40-22-1 and 40-22-2, Code of Alabama, 1975, as amended, which relate to recordation tax on certain instruments received for record in the probate offices of this state, so as to provide further for the rates of such taxes and the commissions allowed for the collection of such recordation taxes.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 409, to-wit:

**AMENDMENT TO S. B. 409**

Amend S. B. 409 on Page 2, Line 15, by striking out the figure "\$1.50" and inserting in lieu thereof the figure "\$1.00."

Which was adopted.

Yeas 16; Nays 2.

*Yeas:*

Senators:	Bishop	Covington	Holmes
Barron	Cooley	Foshee	Kirkland
Bedford	Corbett	Goodwin	Little

Mitchell	Parsons	Robertson	Teague	
Mitchem				—16

Nays: Senators: Dixon, and Proctor —2

And said Bill, S. B. 409, as thus amended, was read a third time at length and passed.

Yeas 14; Nays 5.

Yeas:

Senators:	Corbett	Foshee	Parsons	
Bedford	Covington	Goodwin	Robertson	
Bishop	Dixon	Kirkland	Smith (J)	
Cooley	Figures	Mitchell		—14

Nays: Senators: Holmes, Little, Mitchem, Proctor, and Teague —5

### MOTION TO ADJOURN

Senator Proctor received permission to withdraw his previous motion to adjourn until 12:01 A.M.

Senator Proctor then moved that the Senate adjourn until Friday, July 22, 1983, at 11 o'clock A.M., which motion was lost.

Yeas 6; Nays 11.

Yeas:

Senators:	Cooley	Mitchem	Robertson	
Barron	Little	Proctor		—6

Nays:

Senators:	Covington	Hilliard	Parsons	
Bedford	Foshee	Kirkland	Smith (J)	
Corbett	Goodwin	Mitchell	Teague	—11

### RULE 36 SUSPENDED

On motion of Senator Bedford, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 409.

The Bill:

S. 251. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; providing for the appointment of deputy registrars to aid in the reidentification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

having been postponed on the Twenty-Sixth Legislative Day was again taken up.

Senator Goodwin offered the following substitute for the Bill, S. B. 251, to-wit:

### SUBSTITUTE FOR S. B. 251 A BILL TO BE ENTITLED AN ACT

Providing for purging the lists of registered voters; requiring and pre-

scribing the procedure for the reidentification of registered voters; providing for the appointment of deputy registrars to aid in the reidentification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of each county shall remove from the list of qualified electors of the county the names of those persons who have not reidentified in the manner prescribed herein before the first day of March, 1984. No such person whose name is removed from the list of qualified electors for failure to reidentify shall cease permanently to be a qualified elector nor be subject to reregistration, but shall be subject only to the requirement that he or she reidentify as prescribed herein.

Section 2. Prior to the first day of February, 1984, the board of registrars of each county is hereby authorized, directed, and required to visit or cause deputy registrars to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until six o'clock in the afternoon or nine o'clock in the morning until twelve o'clock noon Saturday for the purpose of enabling qualified and registered voters to appear before the registrar or deputy registrar to reidentify themselves or to register. The board shall give at least ten days notice by advertisement in a newspaper of general circulation in the county, of the time when, and the place in the beat where they will attend for the purpose of enabling voters to appear and reidentify or register themselves. Upon failure to give such notice, or to attend any appointment made by them in any beat, they shall, after like notice, fill new appointments.

Section 3. To assist in the reidentification required by this Act, in the registration of electors and in the board's continuing performance of its lawful duties, each board of registrars shall appoint in accordance with §17-4-157, code of Alabama 1975, at least one or more deputy registrars in each precinct in the county for a four-year term or for the remainder of an unexpired term. Deputy registrars shall be free to reidentify and register any elector at any time, up to ten days prior to an election. Any person serving as a deputy registrar shall be trained by the board of registrars and shall serve without compensation. The board shall provide deputy registrars with all necessary forms and when such forms are completed, deputy registrars shall return them to the office of the board of registrars as the board may require, but not later than five working days.

Section 4. Each voter shall reidentify himself by appearing in person before a registrar or deputy registrar, or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate, or through his or her representative before the board of registrars in regular session except that the following persons shall be entitled to reidentify by mail if they possess the qualifications of an elector and are not disqualified from voting under the constitution and laws of Alabama: members of the armed forces of the United States, persons employed outside the United States, persons absent because of attendance at an institution of higher learning, and the spouses and children of such persons. The board of registrars shall notify such persons who are eligible for reidentification by mail as to how they can reidentify themselves. Electors eligible to reidentify by

mail shall have their eligibility verified before a commissioned officer of the armed forces of the United States, or any person authorized to administer oaths and take affidavits, or before two witnesses who are eighteen years old or older.

Section 5. The names of persons to be struck from the list of registered voters shall be published in a newspaper of general circulation in the county once each in two consecutive weeks prior to March 1, 1984.

Section 6. The board of registrars shall meet during the first week in March, 1984, for the purpose of purging the registration lists and the names of all persons who have failed to reidentify themselves in the manner herein prescribed shall be struck from the lists; provided, however, that said board shall not strike the name of any persons, known by any member of said board, or made known to the said board by another qualified elector, to be a legal resident of the county not known to be suffering from any disqualification.

Section 7. When the name of any elector is struck from the registration list the records maintained by the board of registrars must show the reason for striking the elector from the list.

Section 8. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county for failure to appear and reidentify himself and who has not otherwise been reidentified as herein provided shall be entitled to have his name restored to the list of qualified electors by written affidavit or appearing in person before a registrar, or deputy registrar, or at the office of the board of registrars or at the office of the judge of probate, certifying that he or she is in fact a bonafide registered voter of that county; provided, however, that any qualified elector can be reidentified on election day; provided further, however, that this Act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse or child of any person who is in active duty of any of the armed forces of the United States of America and stationed, and as to the spouse or child, who is living with her or his husband or wife, mother or father, as the case may be, outside of the county, or who is living outside the county while attending a college or university or other institution of higher education or who is employed outside of the United States during the period of time from the effective date hereof, and provided further that the provisions of this Act shall not restrict the board of registrars from purging the registration lists as provided in §17-4-132, Code of Alabama 1975.

Section 9. Each member of the board of registrars shall receive \$35 per day, for each day's attendance upon the special sessions of the board required under the provisions of this Act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this Act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the governor, state auditor, and commissioner of agriculture and industries, or a majority of them, shall forthwith make other appointments to fill such membership positions.

Section 10. The county commission of each county is hereby authorized, directed, and required to furnish the county board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertise-

ments necessary for the reidentification of voters as herein provided.

Section 11. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by a fine of up to \$500 or up to one year in prison.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed.

Section 14. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Mitchell	
Barron	Covington	Hilliard	Mitchem	
Bedford	Dixon	Holmes	Parsons	
Bishop	Figures	Kirkland	Smith (J)	
Boyington	Foshee	Little	Teague	—19

Nays: —0

And said Bill, S. B. 251, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Hilliard	Mitchem	
Barron	Dixon	Holmes	Parsons	
Bedford	Figures	Kirkland	Robertson	
Boyington	Foshee	Little	Smith (J)	
Cooley	Goodwin	Mitchell	Teague	—19

Nays: —0

On motion of Senator Goodwin, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 251.

### FURTHER CONSIDERATION OF S. B. 323

The Senate proceeded to further consideration of the Bill, S. B. 323.

And said Bill, S. B. 323, was read a third time at length as required by the Constitution and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Bishop	Corbett	Figures
Aldridge	Boyington	Covington	Foshee
Bedford	Cooley	deGraffenried	Goodwin

Hilliard	Little	Parsons	Smith (J)	
Holmes	Mitchell	Proctor	Teague	
Kirkland	Mitchem	Robertson		—22
Nays:				—0

Senator Little moved that Rule 36 be suspended to allow transmittal to the House of the Bill, S. B. 323, which motion was lost.

The Bill:

S. 410. To amend Sections 12-13-20 and 11-3-4.1, Code of Alabama, 1975, as amended, which relate to salaried probate judges' and commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

was taken up.

Senator Bedford offered the following amendment to the Bill, S. B. 410, to-wit:

#### AMENDMENT TO S. B. 410

Amend Senate Bill 410 on Page 1, Line 14, by adding the following after the period. "The provisions of this Act shall not apply to Tuscaloosa County."

Further amend S. B. 410 on Page 4, Line 37, by inserting the following after the word "law": "Subsection E - The provisions of this Act shall not apply to Tuscaloosa County."

Senator deGraffenried moved that said amendment be adopted which resulted in a tie vote.

Yeas 1; Nays 1.

Yea: Senator Robertson —1

Nay: Senator deGraffenried —1

The President Pro Tempore of the Senate voted "Nay"; therefore the amendment was lost.

(The President Pro Tempore of the Senate, presiding, declared a quorum present but not voting.)

Senator Holmes offered the following amendment to the Bill, S. B. 410, to-wit:

#### AMENDMENT TO S. B. 410

On page 2, lines 15 through 17, delete the language "~~(e) Any increase in salary provided in the provisions of this section shall not apply unless approved by a resolution of the county governing body.~~" and insert in lieu thereof:

"(e) Any increase in salary provided in the provisions of this section shall not apply unless approved by a resolution of the county governing body."

On page 3, lines 22 and 23, delete the language "~~Nor shall such provision apply unless approved by a resolution of the county governing body.~~" and insert in lieu thereof:

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Nor shall such provision apply unless approved by a resolution of the county governing body.

Senator Bedford moved that said amendment be laid on the table, which motion was lost.

Yeas 8; Nays 10.

*Yeas:*

Senators:	Cooley	Goodwin	Robertson	
Aldridge	Covington	Mitchell	Smith (J)	
Bedford				—8

*Nays:*

Senators:	Foshee	Little	Proctor	
Barron	Holmes	Mitchem	Teague	
Boyington	Kirkland	Parsons		—10

And said amendment was then adopted.

Yeas 11; Nays 7.

*Yeas:*

Senators:	Corbett	Kirkland	Parsons	
Barron	deGraffenried	Little	Proctor	
Boyington	Holmes	Mitchem	Teague	—11

*Nays:*

Senators:	Bedford	Covington	Mitchell	
Aldridge	Cooley	Goodwin	Smith (J)	—7

And said Bill, S. B. 410, as thus amended, was read a third time at length and passed.

Yeas 14; Nays 6.

Abstaining 1.

*Yeas:*

Senators:	Covington	Goodwin	Proctor	
Aldridge	deGraffenried	Kirkland	Smith (J)	
Bishop	Figures	Mitchell	Teague	
Cooley	Foshee	Parsons		—14

*Nays:*

Senators:	Dixon	Little	Robertson	
Barron	Holmes	Mitchem		—6

*Abstaining:* Senator Boyington —1

Senator Bedford moved the Rule 36 be suspended to allow transmittal to the House of the Bill, S. B. 410, which motion was lost.

**BILL RECONSIDERED**

On motion of Senator Bishop, the Senate reconsidered the vote by which the Bill, S. B. 323, was passed.

On motion of Senator Bishop, the Senate reconsidered the vote by which the Bill, S. B. 323, was ordered to its third reading.

Senator Little then offered the following amendment to the Bill, S. B. 323, to-wit:

### AMENDMENT TO S. B. 323

Amend Senate Bill No. 323, Page 2, by inserting a new Section 3 and re-number the remaining sections:

Section 3: All books, furnishings, and equipment purchased for the use of libraries constructed under the provisions of this amendment must comply with the bid laws of the State of Alabama

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Cooley	Holmes	Parsons	
Aldridge	Covington	Kirkland	Proctor	
Barron	Dixon	Little	Robertson	
Bedsole	Figures	Menton	Smith (J)	
Bishop	Foshee	Mitchell	Teague	
Boyington	Goodwin			—21

*Nays:* —0

And said Bill, S. B. 323, as thus amended, was again read at length as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Senators:	deGraffenried	Holmes	Mitchem	
Aldridge	Dixon	Kirkland	Parsons	
Barron	Figures	Little	Proctor	
Bedsole	Foshee	Menton	Smith (J)	
Cooley	Goodwin	Mitchell	Teague	
Corbett	Hilliard			—21

*Nays:* —0

On motion of Senator Little, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 323.

Senator Menton requested and received permission to suspend the Rules in order to bring up the Bill:

S. 540. To amend section 43-2-42 of the Code of Alabama 1975, which relates to the order of preference in the right to administer an intestate's estate, so as to provide further for the order of granting said right of administration in counties where the general administrator is elected by vote of the people.

And said Bill, S. B. 540, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Barron	Bedsole	Cooley
Amari	Bedford	Boyington	Corbett



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Covington	Goodwin	Mitchell	Proctor
Dixon	Holmes	Mitchem	Smith (J)
Figures	Little	Parsons	Teague
Foshee	Menton		

—21

Nays: —0

On motion of Senator Menton, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 540.

The Bill:

S. 555. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$6,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including (a) the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto and (b) the power to establish a revolving loan fund of up to \$3,000,000 from the proceeds of the said additional bonds, and to make loans from such funds to local industrial development boards, subject to certain limitations, for the purpose of encouraging construction of buildings for industrial development purposes, with such loans to be made on a participating basis and to be repaid by any recipient board upon entry into a lease or sale of any such buildings; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants and loans; to provide for the execution, form and terms of such bonds and for the terms of sale thereof; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchell
Barron	Covington	Holmes	Mitchem
Bedford	deGraffenried	Kirkland	Parsons
Bedsole	Dixon	Little	Smith (J)
Bishop	Figures	Menton	Teague
Cooley	Foshee		

—21

Nays: —0

On motion of Senator Mitchell, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 555.

The Bill:

S. 556. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Kirkland	Parsons	
Amari	Figures	Little	Proctor	
Barron	Foshee	Menton	Robertson	
Cooley	Goodwin	Mitchell	Smith (J)	
Covington	Holmes	Mitchem	Teague	—19

Nays:

—0

On motion of Senator Mitchell, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 556.

The Bill:

S. 125. To exempt the Drum Corps in Montgomery, Inc., doing business as Southwind Drum and Bugle Corps, from the payment of all state, county and municipal sales and use taxes.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 125, to-wit:

#### AMENDMENT TO S. B. 125

Amend Senate Bill 125 on Page 1 by deleting in its entirety "Section 3." and substitute in lieu thereof the following new "Section 3."

"Section 3. This Act shall become effective October 1, 1983 following its passage and approval by the Governor."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons	
Amari	Boyington	Little	Robertson	
Barron	deGraffenried	Menton	Smith (J)	
Bedford	Dixon	Mitchell	Teague	
Bedsole	Foshee	Mitchem		—18

Nays:

—0

And said Bill, S. B. 125, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without

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engrossment.

Yeas 20; Nays 0.

*Yeas:*

Senators:	Boyington	Holmes	Parsons
Amari	Cooley	Kirkland	Proctor
Barron	Corbett	Little	Robertson
Bedford	Figures	Mitchell	Smith (J)
Bedsole	Foshee	Mitchem	Teague
Bishop			

—20

*Nays:*

—0

On motion of Senator Parsons, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 125.

**RULE 36 SUSPENDED**

On motion of Senator Parsons, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 510.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 93

S. J. R. 218

S. J. R. 219

S. J. R. 220

S. J. R. 222

S. J. R. 223

S. J. R. 232

S. J. R. 234

S. J. R. 235

S. J. R. 239

S. B. 40

S. B. 80

S. B. 120

S. B. 174

S. B. 250

S. B. 331

S. B. 389

Delivered to the Governor, July 12, 1983, at 4:15 P.M.

S. J. R. 179

S. J. R. 180

S. J. R. 225

S. J. R. 249

S. B. 38

S. B. 109

S. B. 65

S. B. 68

S. B. 119

S. B. 127

S. B. 369

S. B. 373

Delivered to the Governor, July 14, 1983, at 12:35 P.M.

McDOWELL LEE,  
Secretary of Senate.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### ADJOURNMENT

At 10:35 P.M., on motion of Senator Mitchell, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bill, H. B. 370, the Senate adjourned until Friday, July 22, 1983, at 11:01 A.M.

**TWENTY-EIGHTH LEGISLATIVE DAY**

**FRIDAY, JULY 22, 1983**

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

**PRAYER**

The Session was opened with prayer by Mr. Lance Qualmann, member of Jack Zorn's National Lads to Leaders Speaker Team, Birmingham, Michigan.

**ROLL CALL**

Present:

Senators:	Cabaniss	Goodwin	Mitchem
Aldridge	Cooley	Harrison	Parsons
Amari	Corbett	Hilliard	Pearson
Bachus	Covington	Holmes	Proctor
Bailey	deGraffenried	Keener	Robertson
Bedford	Denton	Kirkland	Smith (B)
Bedsole	Dixon	Little	Smith (J)
Bishop	Figures	Menton	Teague
Boyington	Foshee	Mitchell	

—34

**JOURNAL**

On motion of Senator Denton, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Seventh Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Denton, leave of absence was granted Senator Barron for today.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 20. To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges

accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination ~~after the limited licensee's graduation~~; limits the program to one limited license student or graduate to one sponsor licensed to practice chiropractic; to empower the Board to establish rules and regulations for the implementation of this act.

Also:

H. 38. Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge and the circuit clerk of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge and the circuit clerk.

Also:

H. 53. Relating to Colbert County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Also:

H. 55. To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of \$.50 per active service line per year for each active service line in said system.

Also:

H. 85. Relating to Jefferson County; to repeal Section 2 of Act 681, H. 505, 1977 Regular Session, relating to the duties of the executive assistant to the sheriff and granting said assistant an expense allowance.

Also:

H. 126. To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at an industry, so as to provide for the least economic disruption to such workers and their creditors.

Also:

H. 421. To amend Section 34-8A-23, Code of Alabama 1975, which provides for the waiver of examinations by the board of examiner in counseling, so as to provide further for said waiver.

Also:

H. 517. To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

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Also:

H. 575. To amend Section 25-5-50, Code of Alabama 1975, which provides for exemptions from coverage under Workmen's Compensation, so as to provide that corporate officers may elect to be exempt from coverage.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 675. To provide for the "Alabama Cogeneration Act of 1983"; to provide a statement of public policy and legislative intent underlying its enactment; to provide for the adoption of rules relating to the treatment of capacity and energy available from cogeneration facilities in Alabama consistent with the rules promulgated by the Federal Energy Regulatory Commission under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978, ("PURPA") 16 U.S.C. § 796(17)-(22) and 16 U.S.C. § 824 a-3 (Supp. V); to provide for the authority of the Public Service Commission under this law; and to provide for the manner in which it shall become law.

Also:

H. 725. Relating to the City of Alexander City in Tallapoosa County; authorizing the City of Alexander City to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Browder, Crow, Bowling, Casey, Junkins, Benneti, Coleman, and Holley:

H. 478. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 478. To the Committee on Governmental Affairs.

**BILLS ON THIRD READING**

The Bill:

H. 84. Relating to Jefferson County, City of Birmingham and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County, from the general funds of the City of Birmingham and from the general funds of the State of Alabama; providing for an expiration date; to make the provisions of this Act retroactive to June 1, 1982.

having been passed, as amended, reconsidered, and postponed on the Twenty-Fifth Legislative Day, was again taken up.

And said Bill, H. B. 84, as amended by the substitute, was again read a third time at length and passed.

Yeas 25; Nays 1.



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*Yeas:*

<b>Senators:</b>	<b>Cabaniss</b>	<b>Hilliard</b>	<b>Mitchell</b>
<b>Aldridge</b>	<b>Cooley</b>	<b>Holmes</b>	<b>Mitchem</b>
<b>Amari</b>	<b>Corbett</b>	<b>Keener</b>	<b>Parsons</b>
<b>Bailey</b>	<b>Denton</b>	<b>Kirkland</b>	<b>Pearson</b>
<b>Bedford</b>	<b>Dixon</b>	<b>Little</b>	<b>Proctor</b>
<b>Bedsole</b>	<b>Figures</b>	<b>Menton</b>	<b>Teague</b>
<b>Bishop</b>	<b>Foshee</b>		

—25

*Nay:* Senator Bachus

—1

**The Bill:**

S. 112. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to \$25.00; to require annual renewal permit fees of \$25.00 for associations; to provide that annual renewal fees are payable for branch offices.

having been postponed on the Twenty-Fourth Legislative Day, was again taken up.

Senator Bailey requested and received permission to substitute the following Bill:

H. 323. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to \$25.00; to require annual renewal permit fees of \$25.00 for associations; to provide that annual renewal fees are payable for branch offices.

in place of S. B. 112.

And said Bill, H. B. 323, was read a third time at length and passed.

*Yeas* 16; *Nays* 0.

*Yeas:*

<b>Senators:</b>	<b>Cabaniss</b>	<b>Harrison</b>	<b>Little</b>
<b>Bailey</b>	<b>Cooley</b>	<b>Holmes</b>	<b>Menton</b>
<b>Bedford</b>	<b>Corbett</b>	<b>Keener</b>	<b>Smith (J)</b>
<b>Bedsole</b>	<b>Goodwin</b>	<b>Kirkland</b>	<b>Teague</b>
<b>Bishop</b>			

—16

*Nays:*

—0

The President Pro Tempore of the Senate declared a quorum present but not voting.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 380. COMMENDING THE EMPLOYEES OF THE CIBA-GEIGY CORPORATION'S McINTOSH, ALABAMA, PLANT.

On motion of Senator Kirkland, the Resolution was then concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

**Mr. President:**

The House has passed the following Senate Bill and returns same here-

with to the Senate:

S. 192. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Browder, Smith, Laird, Coleman, Rice, Flowers, Holley, Lauderdale, Brooks, Casey, Sasser, Ford, Preuitt, Penry, and White (F):

H. 544. To provide a Crime Victims Compensation Commission, procedures relating to their appointment, terms, compensation, powers and duties; to provide provision for office, support, staff and secretarial services of such commission; to provide for awards for compensation, for economic loss under certain circumstances to qualified applicants; to provide for the limiting of awards under certain circumstances; to provide restrictions for Commission authority as to claimant and possible collateral source benefits; to provide for medical examination requirements including limited waiver of physician-patient privilege; to provide award without requirement of prosecution or conviction of any individual; to provide procedures for subrogation rights; to provide for special types of awards procedures; to provide for annual reports and their distribution; to provide further for audits of the Commission; to provide further for surety bond of members, agents and employees; to provide further for the Alabama Crime Victims Compensation Fund and payments thereto by certain persons; to provide further for the taxing or assessing of additional court costs, assessments or penalties; to provide further for the exemption of compensation from state or municipal taxation and certain writs of garnishment or attachment; to provide further for discretionary contributions by county and municipal governments; to provide further for certain persons to be ineligible for compensation; to provide further for criminal penalties to be attached to certain acts by members, agents, or employees of the Commission; to provide further for other criminal penalties in regard to claimants and other persons who perform certain acts or omissions; to provide further for other criminal penalties for persons who perform certain acts in regard to monies or securities of the Commission held in trust or otherwise; and to provide further for other criminal penalties in regard to false claims.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing

Committee, as follows:

H. B. 544. To the Committee on Governmental Affairs.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Martin (With Notice and Proof):

H. 917. Relating to Utilities in the City of Decatur in Morgan County; Providing that the City of Decatur Sanitation Department, the Decatur-Morgan County Landfill, and the Decatur Utilities Board shall not provide in any year more than a five percent increase in certain services over that amount provided from July 1, 1982, to June 30, 1983, without approval of the Decatur City Council.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 917, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 917. To the Committee on Local Legislation No. 1.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Junkins (With Notice and Proof):

H. 918. To alter, rearrange and extend the boundary lines and corporate limits of the City of Centre in Cherokee County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 918, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 919. Relating to Fayette County; providing further for the discipline and dismissal of deputies sheriff in such county; creating a deputies sheriff discipline and dismissal board therefor; providing for the membership and terms of such board and its authority, responsibilities and duties in such county; and providing for eligibility of deputies sheriff to be entitled to a hearing before such board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 919, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Rains and Coleman:

H. 922. To reverse the numbers of House Districts 26 and 25 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 918 and 919. To the Committee on Local Legislation No. 1.

H. B. 922. To the Committee on Governmental Affairs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment.

By Reps. Kennedy, Clark, Turner, Buskey, Warren, Bryant, Ford, Preuitt, Nicholson, Drinkard, Parker, Poole, Howard, Melton, Davis, Rogers, Horn, Thornton, and Crow:

H. 515. Relating to intercepting or monitoring of customer telephone communications; providing for certain circumstances in which such communications can be monitored; making it a crime to intercept or monitor such communications in other circumstances; and prescribing penalties for violations under this act.

Also:

By Rep. Langford (With Notice and Proof):

H. 870. Relating to Montgomery County; to amend Act No. 429, H. 934 of the 1961 Regular Session (Acts of 1961, p. 466), so as to authorize the Montgomery County Commission to employ administrative assistants, which persons must have obtained the age of 62 years and served 16 years as a member of the governing body of said county.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 870, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 515. To the Committee on Judiciary.

H. B. 870. To the Committee on Local Legislation No. 1.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 238. EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY THAT OFFSHORE ENVIRONMENTAL RULES BE CONSISTENT WITH, BUT NOT MORE STRINGENT THAN, FEDERAL OFFSHORE ENVIRONMENTAL REGULATIONS.

Also:

S. J. R. 268. COMMENDING MRS. LONIA M. GILL UPON HER RETIREMENT OF THE WOMAN'S HOME AND OVERSEAS MISSIONARY SOCIETY OF THE A.M.E. ZION DENOMINATION.

Also:

S. J. R. 278. CONGRATULATING THE ALABAMA MEDICAL RECORD ASSOCIATION.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 395. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

and Conference Report being in words and figures as follows:

**REPORT OF COMMITTEE OF CONFERENCE  
ON HOUSE BILL 395**

We, the committee of conference appointed to reconcile the differences between the two Houses concerning the bill, H. B. 395 have met and considered the matter referred and beg leave to report as follows:

We recommend H. B. 395 be amended as follows:

by deleting Section 2 where it appears on Page 4, Lines 21-23 and substituting in lieu thereof the following:

Section 2. Upon its passage and approval by the Governor, or upon its

otherwise becoming law, this Act shall become effective at midnight September 30, 1983.

JAMES M. CAMPBELL,  
JOHN CASEY,  
TOM COBURN,  
Conferees on part of the House.  
CRUM FOSHEE, JR.,  
BILL CABANISS, JR.,  
BOBBY DENTON,  
Conferees on Part of the Senate.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

On motion of Senator Keener, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 395, the title of which had said Conference Report are set out in the foregoing Message from the House.

Yeas 19; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Mitchem	
Aldridge	Cabaniss	Holmes	Pearson	
Bailey	Cooley	Keener	Smith (B)	
Bedford	Corbett	Kirkland	Smith (J)	
Bedsole	Covington	Little	Teague	—19

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Penry:

H. J. R. 437. HONORING MS. MARY J. HANSEN UPON RECEIVING THE DISTINGUISHED TEACHING ACHIEVEMENT AWARD.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 445. MOURNING THE UNTIMELY DEATH OF JOE R. SIMMONS OF JASPER, ALABAMA.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 446. HONORING JUDGE JAMES C. BROTHERTON OF JASPER, ALABAMA.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 447. MOURNING THE DEATH OF DAVIS SMITH "SON" HUMPHRIES OF JASPER, ALABAMA.

Also:

By Reps. Murphy, Moore, and Smith:

H. J. R. 449. COMMENDING MAYOR RALPH W. SEARS OF MONTEVALLO, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Teague, the Rules were suspended and the Resolution, H. J. R. 437, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Denton, the Rules were suspended and the Resolutions, H. J. R.'s 445, 446, 447, and 449, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 626. To amend Sections 34-29-20, 34-29-21, 34-29-23, and 34-29-41, Code of Alabama 1975, relating to the Board of Veterinary Medical Examiners, so as to provide for an executive secretary and to delete references to the secretary-treasurer.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Holmes	Robertson
Aldridge	Denton	Keener	Smith (B)
Bachus	Dixon	Kirkland	Smith (J)
Bailey	Foshee	Little	Teague
Bedsole	Harrison	Mitchem	

—18

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 264. To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to

generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Reps. Langford, Parker and Lewis.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Smith (B), the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 264, the title of which is set out in the foregoing Message from the House.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Harrison	Mitchem	
Aldridge	Cooley	Keener	Smith (B)	
Bailey	Denton	Kirkland	Smith (J)	
Bedsole	Dixon	Little	Teague	
Boyington	Foshee	Menton		—18

Nays: —0

And the President Pro Tempore of the Senate appointed as Committee on the part of the Senate Senators Smith (B), Covington, and Barron.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 209. To prescribe procedures for a state income tax check-off system for support of political parties.

having been postponed on the Twenty-Third Legislative Day, was again taken up.

Senator Pearson offered the following substitute for the Bill, S. B. 209, to-wit:

### SUBSTITUTE FOR S. B. 209

#### A BILL TO BE ENTITLED AN ACT

To prescribe procedures whereby a taxpayer may designate a contribution to a political party on his or her state income tax return.

Be It Enacted by the Legislature of Alabama:

Section 1. For purposes of this Act, the term "political party" shall be defined as provided in §17-16-2 of the Code of Alabama 1975.

Section 2. Every individual who files a state income tax return may



designate a contribution to a political party as provided under this section. Amounts of contributions for an individual return shall be \$1.00 and, for a joint return, \$2.00. Such contributions shall increase the tax liability of the taxpayer by the amount contributed.

Section 3. The designation for a political party shall appear on the face of the individual income tax return. The contributions so designated by the taxpayer and collected by the State of Alabama, Department of Revenue, shall be reserved for remittance to the appropriate officials of the state governing authority of the designated political party. The State Revenue Commission shall annually certify by December 1 all such designated amounts to be paid by the State Comptroller, and the Comptroller shall remit by the following January 1 such funds to the appropriate officials of the state governing authority of the designated political party.

Section 4. The provisions of the Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Dixon	Kirkland	Pearson
Bedsole	Foshee	Little	Proctor
Bishop	Harrison	Menton	Smith (J)
Cooley	Holmes	Mitchem	Teague
Denton	Keener	Parsons	

—18

Nays: —0

And said Bill, S. B. 209, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Menton
Amari	Covington	Harrison	Pearson
Bedsole	Denton	Holmes	Proctor
Bishop	Dixon	Keener	Smith (J)
Boyington	Foshee	Kirkland	Teague

—19

Nays: —0

On motion of Senator Pearson, Rule 36 was suspended to allow transmittal to the House of the above Bill, S. B. 209.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Casey, Adams, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Butler, Campbell,

Carothers, Carter, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright:

H. J. R. 432. EXPRESSING THE LEGISLATURE'S APPRECIATION TO THE UNIVERSITY OF SOUTH ALABAMA AND TO THE MOBILE AND BALDWIN COUNTY DELEGATIONS.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Holmes, the Rules were suspended and the Resolution, H. J. R. 432, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama State University Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 21st day of July, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following as a member of the Alabama State University Board of Trustees in the position created by House Bill 649:

Mr. Joe Reed  
874 John Brown Avenue  
Montgomery, Alabama 36106

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 21st day of July, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Alabama State University, was read and referred to the Standing Committee on Rules.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 482. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

having been postponed on the Twenty-Sixth Legislative Day, was again taken up.

Senator Bedsole requested and received permission to substitute the following Bill:

H. 133. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

in place of S. B. 482.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 133, to-wit:

**COMMITTEE AMENDMENT TO H. B. 133**

Amend H. B. 133 on page 1, line 23, by deleting the period (.) after the word "Mobile" and adding the following:

"and from Birmingham to the Tennessee State Line on I-65."

On motion of Senator Bedsole, said amendment was laid on the table.

And said Bill, H. B. 133, was read a third time at length and passed.

Yeas 21; Nays 2.

Yeas:

Senators:	Cooley	Holmes	Mitchem
Bachus	Covington	Keener	Parsons
Bedsole	Denton	Kirkland	Pearson
Bishop	Figures	Little	Smith (J)
Boyington	Foshee	Menton	Teague
Cabaniss	Goodwin		

—21

Nays: Senators: Dixon and Harrison

—2

The Bill:

H. 523. To authorize local city and county boards of education to establish reasonable compensation plans for members.

having been postponed on the Twenty-Seventh Legislative Day, was again taken up.

And said Bill, H. B. 523, was read a third time at length and passed.

Yeas 19; Nays 1.

*Yeas:*

<b>Senators:</b>	<b>Bishop</b>	<b>Foshee</b>	<b>Menton</b>	
<b>Aldridge</b>	<b>Cabaniss</b>	<b>Goodwin</b>	<b>Parsons</b>	
<b>Amari</b>	<b>Cooley</b>	<b>Harrison</b>	<b>Robertson</b>	
<b>Bachus</b>	<b>deGraffenried</b>	<b>Kirkland</b>	<b>Smith (J)</b>	
<b>Bailey</b>	<b>Denton</b>	<b>Little</b>	<b>Teague</b>	<b>—19</b>

*Nay:* Senator Dixon —1

**MESSAGE FROM THE HOUSE****Mr. President:**

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 191. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

JOHN W. PEMBERTON,  
Clerk.

**REPORT OF COMMITTEE ON CONFERENCE**  
**SENATE BILL 58**

We, the Committee of Conference appointed to reconcile the differences between the two Houses concerning Senate Bill 58, have met and considered the matter referred and beg leave to report as follows:

Said Conference Committee recommends attached Senate Bill 58.

Conferees on part of the Senate.

RYAN DeGRAFFENRIED,  
LARRY KEENER,  
GARY ALDRIDGE,

Conferees on part of the House.

ROY JOHNSON,  
JOHN CASEY,  
GLEN BROWDER,

By Senators deGraffenried, Keener, Mitchem, Proctor, Smith (J), Aldridge, Bedford, Bailey, Parsons, Bishop, Holmes, Bachus, Teague, Kirkland, Figures, Bedsole, Menton, Dixon, Denton, Covington, Little, Mitchell, Smith (B):

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. The following constitution is proposed and shall replace the Constitution of 1901, as amended, when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

**Preamble**

We, the people of the State of Alabama, in order to establish justice,

insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of government for the State of Alabama:

ARTICLE 1.

Declaration of Rights.

That the great, general, and essential principles of liberty and free government may be recognized and established, we declare:

Section 1. That all men and women are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

Section 2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient.

Section 3. That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination, or mode of worship; that no one shall be compelled by law to attend any place of worship; nor to pay any tithes, taxes, or other rate for building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this state; and that the civil rights, privileges, and capacities of any citizen shall not be in any manner affected by his religious principles.

Section 4. That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Section 5. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizure or searches, and that no warrants shall issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation.

Section 6. That in all criminal prosecutions, the accused has a right to be heard by himself and counsel, or either; to demand the nature and cause of the accusation; and to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases, in his own behalf, if he elects so to do; in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and he shall not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, except by due process of law; but the legislature may, by a general law, provide for a change of venue.

Section 7. That no person shall be accused or arrested, or detained, except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied.

Section 8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor,

extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings in such manner as may be provided by law if the defendant, after having had the advice of counsel of his choice or in the event he is unable to employ counsel, the advice of counsel which must be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he desires to plead guilty, provided, however, the defendant cannot plead guilty within fifteen days after his arrest.

Section 9. That no person shall, for the same offense, be twice put in jeopardy of life or limb; but courts may, for reasons fixed by law, discharge juries from the consideration of any case, and no person shall gain an advantage by reason of such discharge of the jury.

Section 10. That no person shall be barred from prosecuting or defending before any tribunal in this state, by himself or counsel, any civil cause to which he is a party.

Section 11. That the right of trial by jury shall remain inviolate.

Section 12. That no form of slavery shall exist in this state; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

Section 13. That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person, or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial, or delay.

Section 14. That the State of Alabama shall never be made a defendant in any court of law or equity.

Section 15. That excessive fines shall not be imposed, nor cruel or unusual punishment inflicted.

Section 16. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required.

Section 17. That the privilege of the writ of habeas corpus shall not be suspended by the authorities of this state.

Section 18. That treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his own confession in open court.

Section 19. That no person shall be attainted of treason by the legislature; and no conviction shall work corruption of blood or forfeiture of estate.

Section 20. That no person shall be imprisoned for debt.

Section 21. That no power of suspending laws shall be exercised except by the legislature.

Section 22. That no ex post facto law, nor any law, impairing the obligations of contracts, or making any irrevocable or exclusive grants of special privileges or immunities, shall be passed by the legislature; and every grant or franchise, privilege, or immunity shall forever remain subject to revocation, alteration, or amendment.

Section 23. That the exercise of the right of eminent domain shall never be abridged nor so construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use in the same manner in which the property and franchises of individuals are taken and subjected; but private property shall not be taken for, or applied to public use, unless just compensation be first made therefor; nor shall private property be taken for private use, or for the use of corporations, other than municipal, without the consent of the owner; provided, however, the legislature may by law secure to persons or corporations the right of way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by persons and corporations of the rights herein reserved; but just compensation shall, in all cases, be first made to the owner; and, provided, that the right of eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of railroads or any other kind of corporations, other than municipal, or for the benefit of any individual or association.

Section 24. That all navigable waters shall remain forever public highways, free to the citizens of the state and the United States, without tax, impost, or toll; and that no tax, toll, impost, or wharfage shall be demanded or received from the owner of any merchandise or commodity for the use of the shores or any wharf erected on the shores, or in or over the waters of any navigable streams, unless the same be expressly authorized by law.

Section 25. That the citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the power of government for redress of grievances or other purposes, by petition, address, or remonstrance.

Section 26. That every citizen has a right to keep and bear arms in defense of himself and the state.

Section 27. That no standing army shall be kept up without the consent of the legislature, and, in that case, no appropriation for its support shall be made for a longer term than one year; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

Section 28. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

Section 29. That no title of nobility or hereditary distinction, privilege, honor, or emolument shall ever be granted or conferred in this state; and that no office shall be created, the appointment to which shall be for a longer time than during good behavior.

Section 30. That immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled.

Section 31. That temporary absence from the state shall not cause a forfeiture of residence once obtained.

Section 32. That the privilege of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or other improper conduct.

Section 33. That foreigners who are, or may hereafter become, bona fide residents of this state, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

Section 34. That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions it is usurpation and oppression.

Section 35. That this enumeration of certain rights shall not impair or deny others retained by the people; and, to guard against any encroachments on the rights herein retained, we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate.

## ARTICLE II.

### State Boundaries.

Section 36. The boundaries of this state are established and declared to be as follows, that is to say: Beginning at the point where the thirty-first degree of north latitude crosses the Perdido river; thence east, to the western boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee; thence west, along the southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line; thence up said river to the mouth of Big Bear creek; thence by a direct line to the northwest corner of Washington county, in this state, as originally formed; thence southwardly, along the line of the State of Mississippi, to the Gulf of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river; thence up the said river to the beginning; provided, that the limits and jurisdiction of this state shall extend to and include any other land and territory acquired, by contract or agreement with other states or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

## ARTICLE III.

### Distribution of Powers of Government.

Section 37. The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

Section 38. In the government of this state, except in the instances in this Constitution hereinafter expressly directed or permitted, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men.

## ARTICLE IV.

### Legislative Department

Section 39. The legislative power of this state shall be vested in a legislature, which shall consist of a senate and a house of representatives.

Section 40. Senators and representatives shall be elected by the quali-



fied electors in every fourth year on the first Tuesday after the first Monday in November unless the legislature shall change the time of holding elections. The terms of office of the senators and representatives shall commence on the day after the general election at which they are elected, and expire on the day after the general election held in the fourth year after their election, except as otherwise provided in this Constitution.

Section 41. Whenever a vacancy occurs in either house of the legislature the governor shall issue a writ of election within such time as may be provided by general law to fill such vacancy for the remainder of the term. All expenses of the election shall be paid by the state. If a legally qualified candidate for election to the vacancy is unopposed when the last date for filing for places on the ballot has passed, the election shall not be held, and a certificate of election shall be issued in the manner provided by law.

Section 42. Senators shall be at least twenty-five years of age, and representatives twenty-one years of age at the time of their election. They shall have been citizens and residents of this state for three years and residents of their respective districts for one year next before their election, if such district shall have been so long established; but if not, then of the district from which the same shall have been taken; and they shall reside in their respective districts during their terms of office.

Section 43. All sessions of the legislature shall be held in the City of Montgomery at the capitol in the senate chamber and in the hall of the house of representatives, unless at any time it should from any cause become temporarily impracticable for the legislature to meet or remain at the capitol, in which case the governor may designate and provide a suitable place in the City of Montgomery for the meeting of the legislature and the transacting of business of the legislative department for such temporary time.

Section 44. The legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the legislature, the election of officers, the appointment of standing committees of the senate and the house of representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualification of the members of the legislature, and the inauguration of the governor and the other elected state officers whose terms of office are concurrent with that of the governor.

Section 45. At the beginning of each such organizational session, and at such other times as may be necessary, the senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the lieutenant governor, and the house of representatives shall elect one of its members as speaker, to preside over its deliberations. The president pro tempore of the senate and the speaker of the house of representatives shall each hold his respective office until his successor has been elected and qualified. Each house shall choose its own officers and shall judge of the election, returns, and qualifications of its members.

Section 46. The legislature shall convene in regular sessions annually

on the first Tuesday in February, or on such other day as may be prescribed by law, and such sessions shall be limited to 30 legislative days and 105 calendar days. Special sessions of the legislature convened in the manner provided by this Constitution shall be limited to twelve legislative days and 30 calendar days.

Section 47. **Members of the legislature shall receive such compensation and allowances as shall be established by the legislature by joint resolution. Except, however, no legislature may increase the compensation or allowances of its members for the term in which they are serving at the time of passage of such joint resolution. Each legislature, prior to the adjournment of the second or third regular session of the quadrennium, shall establish the compensation and allowances of legislators elected to the next term. If such resolution is not adopted prior to adjournment of the third regular session of each quadrennium, the compensation and allowances of the members of the next legislature shall be the same as the members of that legislature.**

Section 48. **A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide.**

Section 49. **Each house shall have power to determine the rules of its proceedings and to punish its members and other persons, for contempt or disorderly behavior in its presence; to enforce obedience to its processes; to protect its members against violence, or offers of bribes or corrupt solicitation; and with the concurrence of two-thirds of the house, to expel a member, but not a second time for the same offense; and the two houses shall have all the powers necessary for the legislature of a free state.**

Section 50. **A member of the legislature, expelled for corruption, shall not thereafter be eligible to either house, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.**

Section 51. **Each house shall keep a journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either house on any question shall, at the request of one-tenth of the members present, be entered on the journal. Any member of either house shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or to an individual, and have the reason for his dissent entered on the journal.**

Section 52. **Members of the legislature shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house shall not be questioned in any other place.**

Section 53. **The doors of each house shall be opened except on such occasions as, in the opinion of the house, may require secrecy, but no person shall be admitted to the floor of either house while the same is in session, except members of the legislature, the officers, and employees of the two houses, the governor and his secretary, representatives of the press, and other persons to whom either house, by unanimous vote, may extend the privileges of its floor.**

Section 54. **Neither house shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they**

may be sitting except as otherwise provided in this Constitution.

Section 55. No senator or representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

Section 56. The style of the laws of this state shall be: "Be it enacted by the legislature of Alabama", which need not be repeated, but the act shall be divided into sections for convenience, according to substance, and the sections designated merely by figures. Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revisions of statutes; and no law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be reenacted and published at length.

Section 57. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

Section 58. No bill shall become a law until it shall have been referred to a standing committee of each house, acted upon by such committee in session, and returned therefrom, which facts shall affirmatively appear upon the journal of each house.

Section 59. Every bill shall be read on three different days in each house, and no bill shall become a law, unless on its final passage it be read at length, and the vote be taken by yeas and nays, the names of the members voting for and against the same be entered upon the journals, and a majority of each house be recorded thereon as voting in its favor, except as otherwise provided in this Constitution; provided that either house may dispense with the reading at length required by this section by unanimous consent, which fact shall also be entered in the journal.

Section 60. No amendment to bills shall be adopted except by a majority of the house wherein the same is offered, nor unless the amendment with the names of those voting for and against the same shall be entered at length on the journal of the house in which the same is adopted, and no amendment to bills by one house shall be concurred in by the other, unless a vote be taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the journal; and no report of a committee of conference shall be adopted in either house, except upon a vote taken by yeas and nays, and entered on the journal, as herein provided for the adoption of amendments.

Section 61. The legislature shall have no power to authorize lotteries or gift enterprises except for charitable purposes, and shall pass laws to prohibit the sale in this state of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery.

Section 62. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered on the journal.

Section 63. The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house, and no payment shall be made from the state treasury or be in any way authorized to any person except to an acting officer or employee elected or appointed in pursuance of law.

Section 64. The legislature shall have no power to grant or to authorize or require any county or municipal authority to grant, nor shall any county or municipal authority have power to grant, any extra compensation, fee, or allowance to any public officer, servant, or employee, agent or contractor, after service shall have been rendered or contract made, nor to increase or decrease the fees and compensation of such officers during their terms of office; nor shall any officer of the state bind the state to the payment of any sum of money but by authority of law; provided this section shall not prevent the legislature from increasing retirement benefits to those eligible for retirement benefits.

Section 65. All bills for raising revenue shall originate in the house of representatives. The senate may propose amendments to such bills.

Section 66. The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the state, for interest on the public debt, and for the public schools. In the event the legislature fails to pass such general appropriation bills for any fiscal year, which failure is not due to the governor's veto, the current appropriations for such expenses and departments, except capital outlay, one-time and conditional appropriations whether or not they have been paid, shall continue in full force and effect and in the same amounts as they were on the last day of the current fiscal year until the legislature enacts new appropriation laws to supersede the continuing appropriations provided for herein. The salary of no officer or employee shall be increased in such bills, nor shall any appropriation be made therein for any officer or employee unless his employment and the amount of his salary have already been provided for by law. All other appropriations shall be made by separate bills, each embracing but one subject.

Section 67. No money shall be paid out of the treasury except upon appropriations made by law and on warrant drawn by the proper officer in pursuance thereof; and a regular statement and account of receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

Section 68. No appropriation shall be made to any charitable or educational institution not under the absolute control of the state, except by a vote of two-thirds of all members elected to each house.

Section 69. When the legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the governor calling such session, except by a vote of two-thirds of each house.

Section 70. No act of the legislature changing the seat of government of the state shall become a law until the same shall have been submitted to the qualified electors of the state at a general election, and approved by a majority of such electors voting on the same; and such act shall specify the proposed new location.

Section 71. The legislature shall prescribe by law a code of ethics for all members of the legislature and other public officers and employees prohibiting conflict between public duty and private interest, prohibiting

bribery and the solicitation of bribes, and providing penalties for the violation of such code.

Section 72. A member of the legislature who has a personal or private interest in any measure or bill proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Section 73. In all elections by the legislature the members shall vote viva voce, and the votes shall be entered on the journal.

Section 74. It shall be the duty of the legislature, to make provision by law for revising, digesting, and promulgating the public statutes of this state, of a general nature, both civil and criminal.

Section 75. The legislature may require the state and counties to make adequate provisions for the maintenance of the poor.

Section 76. The legislature shall not have power to authorize any county or municipal governing body to pass any laws inconsistent with the general laws applicable to the whole state.

Section 77. The legislature shall provide by law for the exemption of personal property and of homesteads from forced sale for the payment of debts and shall by law prescribe such rules and regulations as may be necessary to ascertain the value of real and personal property so exempted from sale.

Section 78. There can be no law of this state impairing the obligation of contracts by destroying or impairing the remedy for their enforcements; and the legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this state. After suit has been commenced on any cause of action, the legislature shall have no power to take away such cause of action, or destroy any existing defense to such suit.

Section 79. The legislature shall not enact any law not applicable to all the counties in the state regulating costs and charges of courts, provided that all general and local laws validly enacted under the provisions of the Constitution of 1901, as amended, providing for court costs in any county shall continue in effect until they are repealed or expire by their own limitations.

Section 80. The legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

Section 81. The legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer.

Section 82. Lands belonging to or under the control of the state shall never be donated, directly or indirectly, to private corporations, partnerships, associations, or persons, or railroad companies; nor shall such lands be sold to corporations or associations for a less price than that for which they are subject to sale to individuals; provided, that nothing contained in this section shall prevent the legislature from granting a right of way, not exceeding one hundred and twenty-five feet in width, as a mere easement, for railroads or telegraph or telephone lines across state land, and the legislature shall never dispose of the land covered by such right of way except subject to such easement.

Section 83. No obligation or liability of any person, association, or corporation held or owned by this state, or by any county or other municipality

thereof, shall ever be remitted, released, or postponed, or in any way diminished by the legislature; nor shall such liability or obligation be extinguished except by payment thereof; nor shall such liability or obligation be exchanged or transferred except upon payment of its face value; provided, that this section shall not prevent the legislature from providing by general law for the compromise of doubtful claims.

Section 84. No state or county official shall, at any time during his term of office, accept, either directly or indirectly, any fee, money, office, appointment, employment, reward, or thing of value, or of personal advantage, or the promise thereof, to lobby for or against any measure pending before the legislature, or to give or withhold his influence to secure the passage or defeat of any such measure.

Section 85. The legislature shall provide by law for the regulation, prohibition, or reasonable restraint of common carriers, partnerships, associations, trusts, monopolies, and combinations of capital, so as to prevent them or any of them from making scarce articles of necessity, trade, or commerce, or from increasing unreasonably the cost thereof to the consumer, or preventing reasonable competition in any calling, trade, or business.

Section 86. The legislature shall not pass a special, private, or local law in any of the following cases:

- (1) Granting a divorce;
- (2) Relieving any minor of the disabilities of nonage;
- (3) Providing for the adoption or legitimizing of any child;
- (4) Establishing rules of descent or distribution;
- (5) Regulating the time within which a civil or criminal action may be begun;
- (6) Providing for the sale of the property of any individual or estate;
- (7) Regulating the rate of interest;
- (8) Fixing the punishment of crime;
- (9) Regulating either the assessment or collection of taxes;
- (10) Giving effect to an invalid will, deed, or other instrument;
- (11) Creating, extending, or impairing any lien;
- (13) Increasing the jurisdiction and fees of constables;
- (14) Establishing separate school districts;
- (15) Establishing separate stock districts;
- (16) Exempting property from taxation or from levy or sale;
- (17) Exempting any person from jury, or other civil duty;
- (18) Remitting fines, penalties, or forfeitures;
- (19) Providing for the conduct of elections or designating places of voting, or changing the boundaries of wards, precincts, or districts, except in the event of the organization of new counties, or the changing of the lines of old counties;

(20) Restoring the right to vote to persons convicted of felonies involving moral turpitude;

(21) Declaring who shall be liners between precincts or between counties.

The legislature shall pass general laws for the cases enumerated in this section, provided that nothing in this section or article shall affect the right of the legislature to enact local laws regulating or prohibiting the liquor traffic; but no such local law shall be enacted unless notice shall have been given as required in section 88 of this constitution.

Section 87. No special, private, or local law shall be enacted in any case which is provided for by a general law, or when the relief sought can be given by any court of this state; and the courts, and not the legislature shall judge as to whether the matter of said law is provided for by a general law, and as to whether the relief sought can be given by any court; nor shall the legislature indirectly enact any such special, private, or local law by the partial repeal of a general law nor shall the legislature enact a special, private or local law granting, amending, confirming, or extending the charter of any private or municipal corporation, or remitting the forfeiture thereof.

Section 88. No special, private, or local law shall be passed on any subject unless notice of the intention to apply therefor shall have been published, without cost to the state, in the county or counties where the matter or thing to be affected may be situated, which notice shall state the substance of the proposed law and be published at least once a week for four consecutive weeks in some newspaper published in such county or counties or if there is no newspaper published therein, then by posting the said notice for two consecutive weeks at five different places in the county or counties prior to the introduction of the bill; and proof that said notice has been given shall be exhibited to each house of the legislature through a certification by the clerk of the house or secretary of the senate that notice and proof was attached to the subject local legislation and the notice and proof shall be attached to the original copy of the subject bill and shall be filed in the department of archives and history where it shall constitute a public record. The courts shall pronounce void every special, private, or local law which the journals do not affirmatively show was passed in accordance with the provisions of this section.

Section 89. The legislature shall not, by a special, private, or local law, repeal or modify any special, private, or local law except upon notice being given and shown as provided in the last section.

Section 90. The operation of a general law shall not be suspended for the benefit of any individual, private corporation, or association; nor shall any individual, private corporation or association be exempted from the operation of any general law except as in this article otherwise provided.

Section 91. A general law is a law which in its terms and effect applies either to the whole state, or to one or more municipalities of the state less than the whole in a class. A general law applicable to such a class of municipalities shall define the class on the basis of criteria reasonably related to the purpose of the law. The legislature may enact and change from time to time a general schedule of not more than eight classes of municipalities based on population according to any designated federal decennial census, and general laws for any purpose may thereafter be enacted for any such class. Any law heretofore enacted which complies with the provisions of this section shall be considered a general law. No general law which at the time

of its enactment applies to only one municipality of the state shall be enacted, unless notice of the intention to apply therefor shall have been given and shown as provided in section 88 of this Constitution for special, private or local laws; provided, that such notice shall not be deemed to constitute such law a local law. A special or private law is one which applies to an individual, association or corporation. A local law is a law which is not a general law or a special or private law.

Section 92. No bill introduced as a general law in either house of the legislature shall be so amended on its passage as to become a special, private or local law.

## ARTICLE V.

### Executive Department.

Section 93. The executive department shall consist of a governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, commissioner of agriculture and industries, and a sheriff for each county.

Section 94. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled "The Governor of the State of Alabama".

Section 95. The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be elected by the qualified electors of the state at the same time and places appointed for the election of members of the legislature.

Section 96. The returns of every election for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be sealed up and transmitted by the returning officers to the seat of government, directed to the speaker of the house of representatives, who shall, during the first week of the session to which such returns shall be made, open and publish them in the presence of both houses of the legislature in joint convention; but the speaker's duty and the duty of the joint convention shall be purely ministerial. The result of the election shall be ascertained and declared by the speaker from the face of the returns without delay. The person having the highest number of votes for any one of said offices shall be declared duly elected; but if two or more persons shall have an equal and the highest number of votes for the same office, the legislature by joint vote, without delay, shall choose one of said persons for said office. Contested elections for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, shall be determined by both houses of the legislature in such manner as may be prescribed by law.

Section 97. The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer and commissioner of agriculture and industries shall hold their respective offices for the term of four years from noon on the first Monday after the second Tuesday in January next succeeding their election and until their successors shall be elected and qualified. Each of said officers shall be eligible to succeed himself in office, but no person shall be eligible to succeed himself for more than one additional term.

Section 98. The governor and lieutenant governor shall each be at



least thirty years of age when elected, and shall have been citizens of the United States ten years and resident citizens of this state at least seven years next before the date of their election.

Section 99. The lieutenant governor shall be ex officio president of the senate, but shall have no right to vote except in the event of a tie.

Section 100. The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, shall receive compensation to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the lieutenant governor, reside at the state capital during the time they continue in office. The compensation of the lieutenant governor shall be the same as that received by the speaker of the house, except while serving as governor, during which time his compensation shall be the same as that allowed the governor.

Section 101. The governor shall take care that the laws be faithfully executed.

Section 102. The governor may require information in writing, under oath, from the officers of the executive department, named in this article, or created by statute, on any subject, relating to the duties of their respective offices, and he may at any time require information in writing, under oath, from all officers and managers of state institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions. Any such officer or manager who makes a willfully false report or fails without sufficient excuse to make the required report on demand, is guilty of an impeachable offense.

Section 103. The governor may, by proclamation, on extraordinary occasions, convene the legislature and he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

Section 104. The governor shall, from time to time, give to the legislature information of the state of the government, and recommend for its consideration such measures as he may deem expedient; and at the commencement of each regular session of the legislature, and at the close of his term of office, he shall give information by written message of the condition of the state; and he shall account to the legislature, as may be prescribed by law, for all moneys received and paid out by him or by his order; and at the commencement of each regular session he shall present to the legislature estimates of the amount of money required to be raised by taxation for all purposes.

Section 105. The governor shall have power to grant reprieves and commutations to persons under sentence of death. The legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon.

Section 106. Every bill which shall have passed both houses of the legislature, except as otherwise provided in this Constitution, shall be presented to the governor; if he approves, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon the journal and proceed to reconsider it. If the governor's message proposes no amendment which would remove his

objections to the bill, the house in which the bill originated may proceed to reconsider it, and if a majority of the whole number elected to that house vote for the passage of the bill, it shall be sent to the other house, which shall in like manner reconsider, and if a majority of the whole number elected to that house vote for the passage of the bill, the same shall become a law, notwithstanding the governor's veto. If the governor's message proposes amendment which would remove his objections, the house to which it is sent may so amend the bill and send it with the governor's message to the other house, which may adopt, but cannot amend, said amendments; and both houses concurring in the amendment, the bill shall again be sent to the governor and acted on by him as other bills. If the house to which the bill is returned refuses to make such amendments, it shall proceed to reconsider it; and if a majority of the whole number elected to that house shall vote for the passage of the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered, and if approved by a majority of the whole number elected to that house, it shall become a law. If the house to which the bill is returned makes the amendment, and the other house declines to pass the same, that house shall proceed to reconsider it, as though the bill had originated therein, and such proceedings shall be taken thereon as above provided. In every such case the vote of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journals of each house, respectively. If any bill shall not be returned by the governor within six days, Sunday excepted, after it shall have been presented, the same shall become a law in like manner as if he had signed it, unless the legislature, by its adjournment, prevent the return, in which case it shall not be a law; but when return is prevented by recess, such bill must be returned to the house in which it originated within two days after the reassembling, otherwise it shall become a law, but bills presented to the governor within five days before the final adjournment of the legislature may be approved by the governor at any time within ten days after such adjournment, and if approved and deposited with the secretary of state within that time shall become law. Every vote, order, or resolution to which concurrence of both houses may be necessary, except on questions of adjournment and the bringing on of elections by the two houses, and amending this Constitution, shall be presented to the governor; and, before the same shall take effect, be approved by him; or, being disapproved, shall be repassed by both houses according to the rules and limitations prescribed in the case of a bill.

Section 107. The governor shall have power to approve or disapprove any item or items of any appropriation bill embracing distinct items, and the part or the parts of the bill approved shall be the law, and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of bills over the executive veto; and he shall in writing state specifically the item or items he disapproves, setting the same out in full in his message, but in such case the enrolled bill shall not be returned with the governor's objection.

Section 108. In case of the governor's removal from office, death or resignation, the lieutenant governor shall become governor. If both the governor and lieutenant governor be removed from office, die or resign more than sixty days prior to the next general election, at which any state officers are to be elected, a governor and lieutenant governor shall be elected at such election for the unexpired term, and in the event of a vacancy in the office, caused by the removal from office, death or resignation of the governor and lieutenant governor, pending such vacancy and until their successors shall be elected and qualified, the office of governor shall be held and

administered by either the president pro tempore of the senate, speaker of the house of representatives, attorney general, state auditor, secretary of state, or state treasurer in the order herein named. In case of the impeachment of the governor, his absence from the state for more than twenty days, unsoundness of mind, or other disability, the power and authority of the office shall, until the governor is acquitted, returns to the state, or is restored to his mind, or relieved from other disability, devolve in the order herein named, upon the lieutenant governor, president pro tempore of the senate, speaker of the house of representatives, attorney general, state auditor, secretary of state, and state treasurer. If any of these officers be under any of the disabilities herein specified, the office of the governor shall be administered in the order named by such of these officers as may be free from such disability. If the governor shall be absent from the state over twenty days, the secretary of state shall notify the lieutenant governor, who shall enter upon the duties of governor; if both the governor and lieutenant governor shall be absent from the state over twenty days, the secretary of state shall notify the president pro tempore of the senate, who shall enter upon the duties of governor, and so on, in case of such absence, he shall notify each of the other officers named in their order, who shall discharge the duties of the office until the governor or other officer entitled to administer the office in succession to the governor returns. If the governor-elect fails or refuses from any cause to qualify, the lieutenant governor-elect shall qualify and exercise the duties of governor until the governor-elect qualifies; and in the event both the governor-elect and the lieutenant governor-elect from any cause fail to qualify, the president pro tempore of the senate, the speaker of the house of representatives, the attorney general, state auditor, secretary of state, and state treasurer, shall, in like manner, in the order named, administer the office until the governor-elect or lieutenant governor-elect qualifies.

Section 109. If the governor or other officer administering the office shall appear to be of unsound mind, it shall be the duty of the supreme court of Alabama, at any regular term, or at any special term, which it is hereby authorized to call for that purpose, upon request in writing, verified by their affidavits, of any two of the officers named in section 108 of this Constitution, not next in succession to the office of governor, to ascertain the mental condition of the governor or other officer administering the office, and if he is adjudged to be of unsound mind, to so decree, a copy of which decree, duly certified, shall be filed in the office of the secretary of state; and in the event of such adjudication, it shall be the duty of the officer next in succession to perform the duties of the office until the governor or other officer administering the office is restored to his mind. If the incumbent denies that the governor or other person entitled to administer the office has been restored to his mind, the supreme court, at the instance of any officer named in section 108 of this Constitution, shall ascertain the truth concerning the same, and if the officer has been restored to his mind, shall so adjudge and file a duly certified copy of its decree with the secretary of state; and in the event of such adjudication, the office shall be restored to him. The supreme court shall prescribe the method of taking testimony and the rules of practice in such proceedings, which rules shall include a provision for the service of notice of such proceedings on the governor or person acting as governor.

Section 110. The lieutenant governor, president pro tempore of the senate, speaker of the house, attorney general, state auditor, secretary of state, or state treasurer, while administering the office of governor, shall receive like compensation as that prescribed by law for the governor, and no

other.

Section 111. No person shall, at the same time, hold the office of governor and any other office under this state or the United States except service in the military forces of the United States and except as otherwise provided in this Constitution.

Section 112. The governor shall be commander-in-chief of the militia of this state, except when they shall be called into the service of the United States, and he may call out the same to execute the laws, suppress insurrection, and repel invasion, but need not command in person unless directed to do so by resolution of the legislature.

Section 113. No person shall be eligible to the office of attorney general, state auditor, secretary of state, state treasurer, or commissioner of agriculture and industries unless he shall have been a citizen of the United States at least seven years, and shall have resided in this state at least five years next preceding his election, and shall be at least twenty-five years old when elected.

Section 114. There shall be a seal of the state, which shall be used officially by the governor, and the seal now in use shall continue to be used until another shall have been adopted by the legislature. The seal shall be called "The Great Seal of the State of Alabama".

Section 115. The secretary of state shall be the custodian of the great seal of the state, and shall authenticate therewith all official acts of the governor, except his approval of laws, resolutions, appointments to office, and administrative orders. He shall keep a register of the official acts of the governor, and when necessary, shall attest them, and lay copies of same together with copies of all papers relative thereto, before either house of the legislature, when required to do so, and shall perform such other duties as may be prescribed by law.

Section 116. All grants and commissions shall be issued in the name and by the authority of the State of Alabama, sealed with the great seal of the state, signed by the governor and countersigned by the secretary of state.

Section 117. Should the office of attorney general, state auditor, secretary of state, state treasurer, or commissioner of agriculture and industries become vacant from any cause, the governor shall fill such vacancy until the disability is removed or a successor elected and qualified. In case any of said officers shall become of unsound mind, such unsoundness shall be ascertained by the supreme court upon the suggestion of the governor.

Section 118. The attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall perform such duties as may be prescribed by law. The state treasurer and state auditor shall, every year, at a time fixed by the legislature, make a full and complete report to the governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports more often upon any matters pertaining to their offices if required by the governor or the legislature. The attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall not receive to their use any fees, costs, perquisites of office or other compensation than the salaries prescribed by law, and all fees that may be payable for any services performed by such officers shall be at once paid into the state treasury. The legislature may require the attorney

general to defend any or all suits brought against the state, or any subdivision thereof, or against any state school board or state board of education, or against any county or city school board or board of education, or against like boards or commissions by whatever name designated, or against any members, officers or employees of any such boards, or against any school official or employee throughout Alabama.

Section 119. A sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and he shall be eligible to such office as his own successor. Whenever any prisoner is taken from jail, or from the custody of any sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached, under section 143 of this Constitution. If the sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this state during the time for which he had been elected or appointed to serve as sheriff.

## ARTICLE VI.

### Judicial Department.

Section 120. (a) Except as otherwise provided by this Constitution, the judicial power of the state shall be vested exclusively in a unified judicial system which shall consist of a supreme court, a court of criminal appeals, a court of civil appeals, a trial court of general jurisdiction known as the circuit court, a trial court of limited jurisdiction known as the district court, a probate court and such municipal courts as may be provided by law.

(b) The legislature may create judicial officers with authority to issue warrants and may vest in administrative agencies established by law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies are created.

Section 121. (a) The supreme court shall be the highest court of the state and shall consist of one chief justice and such number of associate justices as may be prescribed by law.

(b) The supreme court shall have original jurisdiction (1) of cases and controversies as provided by this Constitution, (2) to issue such remedial writs or orders as may be necessary to give it general supervision and control of courts of inferior jurisdiction, and (3) to answer questions of state law certified by a court of the United States.

(c) The supreme court shall have such appellate jurisdiction as may be provided by law.

Section 122. (a) The court of criminal appeals shall consist of such number of judges as may be provided by law and shall exercise appellate jurisdiction under such terms and conditions as shall be provided by law and by rules of the supreme court.

(b) The court of civil appeals shall consist of such number of judges as may be provided by law and shall exercise appellate jurisdiction under such terms and conditions as shall be provided by law and by rules of the supreme court.

(c) The court of criminal appeals and the court of civil appeals shall have no original jurisdiction except the power to issue all writs necessary or appropriate in aid of appellate jurisdiction of the courts of appeals.

(d) The court of criminal appeals shall have and exercise original jurisdiction in the issuance and determination of writs of quo warranto and mandamus in relation to matters in which said court has appellate jurisdiction. Said court shall have authority to issue writs of injunction, habeas corpus and such other remedial and original writs as are necessary to give it a general superintendence and control of jurisdiction inferior to it and in matters over which it has exclusive appellate jurisdiction; to punish for contempts by the infliction of a fine as high as one hundred dollars, and imprisonment not exceeding ten days, one or both, and to exercise such other powers as may be given to said court by law.

Section 123. (a) The state shall be divided into judicial circuits. For each circuit, there shall be one circuit court having such divisions and consisting of such number of judges as shall be provided by law.

(b) The circuit court shall exercise general jurisdiction in all cases except as may otherwise be provided by law. The circuit court may be authorized by law to review decisions of state administrative agencies and decisions of inferior courts. It shall have authority to issue such writs as may be necessary or appropriate to effectuate its powers, and shall have such other powers as may be provided by law.

Section 124. The district court shall be a court of limited jurisdiction and shall exercise uniform original jurisdiction in such cases, and within such geographical boundaries, as shall be prescribed by law, provided that the district court shall hold court in each county seat and at such other places as prescribed by law. The district court shall have jurisdiction of all cases arising under ordinances of municipalities in which there is no municipal court and shall hold court in each incorporated municipality of a population of 1000 or more where there is no municipal court at places prescribed by law. The revenue from fines, forfeitures and court costs produced in district courts from the exercise of jurisdiction under municipal ordinances shall be apportioned between the municipality and the state as shall be provided by law.

Section 125. There shall be a probate court in each county which shall have general jurisdiction of orphans' business, and of adoptions, and with power to grant letters testamentary, and of administration, and of guardianships, and shall have such further jurisdiction as may be provided by law, provided, that whenever the circuit court has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians, and trustees and including action upon the resignation of either of them.

Section 126. (a) All municipal courts shall have uniform original jurisdiction limited to cases arising under municipal ordinances as prescribed by law. Judges of municipal courts shall be licensed to practice law in the state and have such other qualifications as the legislature may prescribe. A municipal judge may serve as a judge of more than one municipal court. Expenses of municipal courts and compensation of municipal judges shall be paid in a manner prescribed by law. Municipal judges shall be appointed and vacancies filled by the governing body of the municipality, in accordance with uniform terms, conditions and procedures as may be provided by law, notwithstanding the provisions of sections 134, 135 and 136 of this article.

(b) The governing body of a municipality shall have the right to elect at any time to abolish the municipal court within its limits. If such election is

exercised, the jurisdiction of the court abolished shall be transferred to the district court of the district in which the municipality is located. The governing body of a municipality, may, at its election, reestablish a municipal court after appropriate notice.

Section 127. Judges of the supreme court, courts of appeals, circuit court and district court shall be licensed to practice law in this state and have such other qualifications as the legislature may prescribe. Judges of the probate court shall have such qualifications as may be provided by law.

Section 128. (a) No judge of any court of this state, except a municipal judge, shall, during his continuance in office, engage in the practice of law and no judge of any court of this state shall receive any remuneration for his judicial service except the salary and allowances authorized by law.

(b) No judge, except a judge of a probate court, or municipal court, shall seek or accept any nonjudicial elective office, or hold any other office of public trust, excepting service in the military forces of the state or federal governments.

(c) The supreme court shall adopt rules of conduct and canons of ethics, not inconsistent with the provisions of this Constitution, for the judges of all courts of this State.

Section 129. (a) A state judicial compensation commission is hereby created which shall recommend the salary and expense allowances to be paid from the state treasury for all the judges of this state except for judges of municipal courts and judges of the probate courts. The commission shall consist of five members; one shall be appointed by the governor, one by the president of the senate, one by the speaker of the house, and two by the governing body of the Alabama state bar.

(b) Members of the judicial compensation commission shall serve for terms of four years. Any vacancy on the commission shall be filled in the same manner in which such position was originally filled. The legislature shall appropriate sufficient funds for the expenses of the commission.

(c) No member of the commission shall hold any other public office, or office in any political party, and no member of the commission shall be eligible for appointment to a state judicial office so long as he is a member of the commission and for two years thereafter.

(d) The commission may submit a report to the legislature at any time within the first five calendar days of any session. The recommendations of the commission shall become law upon confirmation by a joint resolution or such recommendations may be altered by an act or a joint resolution of the legislature at the session to which the report is submitted; provided, however, that, as thus fixed, such compensation shall not become effective until the first day of the fiscal year next following. The compensation of a judge shall not be diminished during his official term.

Section 130. The chief justice of the supreme court shall be the administrative head of the judicial system. He shall appoint an administrative director of courts and other needed personnel to assist him with his administrative tasks. The chief justice may assign appellate justices and judges to any appellate court for temporary service and trial judges, supernumerary justices and judges, and retired trial judges and retired appellate judges for temporary service in any court. Adequate and reasonable financing for the entire unified judicial system shall be provided. Adequate and reasonable appropriations shall be made by the legislature for the entire unified judi-

cial system, exclusive of probate courts and municipal courts. The legislature shall receive recommendations for appropriations for the trial courts from the administrative director of courts and for the appellate courts from each such court.

**Section 131.** The supreme court shall make and promulgate rules governing the administration of all courts and rules governing practice and procedures in all courts; provided, however, that such rules shall not abridge, enlarge or modify the substantive right of any party nor affect the jurisdiction of circuit and district courts or venue of actions therein; and provided, further, that the right of trial by jury as at common law and declared by section 11 of this Constitution shall be preserved to the parties inviolate. These rules may be changed by a general act of statewide application.

**Section 132.** The power to change the venue in civil and criminal causes is vested in the courts, to be exercised in such manner as shall be provided by general law.

**Section 133.** (a) The supreme court shall establish criteria for determining the number and boundaries of judicial circuits and districts, and the number of judges needed in each circuit and district. If the supreme court finds that a need exists for increasing or decreasing the number of circuit or district judges, or for changing the boundaries of judicial circuits or districts, it shall, at the beginning of any session of the legislature, certify its findings and recommendations to the legislature.

(b) If a bill is introduced at any session of the legislature to increase or decrease the number of circuit or district judges, or to change the boundaries of any judicial circuit or district, the supreme court must, within three weeks, report to the legislature its recommendations on the proposed change. No change shall be made in the number of circuit or district judges, or the boundaries of any judicial circuit or district unless authorized by an act adopted after the recommendation of the supreme court on such proposal has been filed with the legislature.

(c) An act decreasing the number of circuit or district judges shall not affect the right of any judge to hold his office for his full term.

**Section 134.** All judges shall be elected by vote of the electors within the territorial jurisdiction of their respective courts.

**Section 135.** The office of a judge shall be vacant if he dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the governor, provided, however, that the procedure and authority for filling judicial vacancies as provided in amendments 83, 110, 328, 334 and 408 of the Constitution of 1901 shall be continued. A judge, other than a probate judge, appointed to fill a vacancy, shall serve the remainder of the unexpired term or a term lasting until the first Monday after the second Tuesday in January following the next general election held after he has completed one year in office whichever is shorter. At such election such judicial office shall be filled for a full term of office. Upon the creation of a new judgeship pursuant to the provision of this constitution, such judgeship shall initially be filled as if a vacancy existed in such judgeship.

**Section 136.** (a) The term of office of each judge of a court of the judicial system of this state shall be six years.

(b) A law reducing the number of judges of the supreme court or of a court of appeals shall be without prejudice to the right of the judges affected to seek retention in office. The reduction shall become effective when



a vacancy in the affected court occurs.

Section 137. The legislature shall provide by law for the retirement of judges, with such conditions, retirement benefits, and pensions for them and their dependents as it may prescribe.

Section 138. (a) A judicial inquiry commission is created consisting of seven members. The supreme court shall appoint one appellate justice or judge and the circuit judges' association shall appoint two judges of the circuit court as members of the commission. The governor shall appoint two persons who are not lawyers and the governing body of the Alabama state bar shall appoint two members of the state bar to serve as members of the commission. The commission shall select its own chairman. The terms of the members of the commission shall be four years. A vacancy on the commission shall be filled for a full term in the manner the original appointment was made.

(b) The commission shall be convened permanently with authority to conduct investigations, and to receive or initiate complaints concerning any judge of a court of the judicial system of this state. The commission shall file a complaint with the court of the judiciary in the event that a majority of the members of the commission decide that a reasonable basis exists, (1) to charge a judge with violation of any canon of judicial ethics, misconduct in office, failure to perform his duties, or (2) to charge that the judge is physically or mentally unable to perform his duties. All proceedings of the commission shall be confidential except the filing of a complaint with the court of the judiciary. The commission shall prosecute the complaints.

(c) The supreme court shall adopt rules governing the procedures of the commission.

(d) The commission shall have subpoena power and authority to appoint and direct its staff. Members of the commission who are not judges shall receive per diem compensation and necessary expenses; members who are judges shall receive necessary expenses only. The legislature shall appropriate funds for the operation of the commission.

Section 139. (a) The court of the judiciary is created consisting of one judge of an appellate court, who shall be selected by the supreme court and shall serve as chief judge of the court of the judiciary, two judges of the circuit court, who shall be selected by the circuit judges' association, and two members of the state bar, who shall be selected by the governing body of the Alabama state bar. The court shall be convened to hear complaints filed by the judicial inquiry commission. The court shall have authority, after notice and public hearing, (1) to remove from office, suspend without pay or censure a judge, or apply such other sanction as may be prescribed by law, for violation of a canon of judicial ethics, misconduct in office, or failure to perform his duties, or (2) to suspend with or without pay or to retire a judge who is physically or mentally unable to perform his duties.

(b) A judge aggrieved by a decision of the court of the judiciary may appeal to the supreme court. The supreme court shall review the record of the proceedings on the law and the facts.

(c) The supreme court shall adopt rules governing the procedures of the court of the judiciary.

(d) The court of the judiciary shall have power to issue subpoenas. The legislature shall provide by law for the expenses of the court.

Section 140. A judge shall be disqualified from acting as a judge, with-

out loss of salary, while there is pending (1) an indictment or an information charging him in the United States with a crime punishable as a felony under a state or federal law, or (2) a complaint against him filed by the judicial inquiry commission with the court of the judiciary.

Section 141. (a) A district attorney for each judicial circuit shall be elected by the qualified electors of those counties in such circuit. Such district attorney shall be licensed to practice law in this state and shall, at the time of his election and during his continuance in office, reside in his circuit. His term of office shall be for six years and he shall receive such compensation as provided by law. Vacancies in the office of district attorney and in his staff shall be filled as provided by law.

(b) Clerks of the circuit courts shall be elected by the qualified electors in each county for a term of six years. Vacancies in the office of clerk of the circuit court shall be filled by the judge or judges of the circuit court who have jurisdiction over the county in which the office of clerk of the circuit court is located.

## ARTICLE VII.

### Impeachments.

Section 142. The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, may be removed from office for willful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith, by the senate sitting as a court of impeachment, under oath or affirmation, on articles or charges preferred by the house of representatives. When the governor or lieutenant governor is impeached, the chief justice, or if he be absent or disqualified, then one of the associate justices of the supreme court, to be selected by it, shall preside over the senate when sitting as a court of impeachment. If at any time when the legislature is not in session, a majority of all the members elected to the house of representatives shall certify in writing to the secretary of state their desire to meet to consider the impeachment of the governor, lieutenant governor, or other officer administering the office of governor, it shall be the duty of the secretary of state immediately to notify the speaker of the house, who shall, within ten days after receipt of such notice, summon the members of the house, by publication in some newspaper published at the capital, to assemble at the capitol on a day to be fixed by the speaker, not later than fifteen days after the receipt of the notice to him from the secretary of state, to consider the impeachment of the governor, lieutenant governor, or other officer administering the office of governor. If the house of representatives prefer articles of impeachment, the speaker of the house shall forthwith notify the lieutenant governor, unless he be the officer impeached, in which event he shall notify the secretary of state, who shall summon, in the manner herein above provided for, the members of the senate to assemble at the capitol on a day to be named in said summons, not later than ten days after receipt of the notice from the speaker of the house, for the purpose of organizing as a court of impeachment. The senate, when thus organized, shall hear and try such articles of impeachment against the governor, lieutenant governor, or other officer administering the office of governor, as may be preferred by the house of representatives.

Section 143. District attorneys and sheriffs may be removed from office for any of the causes specified in the preceding section or elsewhere in this Constitution, by the supreme court, under such regulations as may be prescribed by law. The legislature may provide for the impeachment or removal of other officers than those named in this article.

Section 144. The clerks of the circuit courts, tax collectors, tax assessors, county treasurers, county superintendents of education, coroners, notaries public, constables, and all other county officers, mayors and all other officers of incorporated cities and towns in this state, may be removed from office for any of the causes specified in section 142 of this Constitution, by the circuit courts of the county in which such officers hold their office, under such regulations as may be prescribed by law; provided, that the right of trial by jury and appeal in such cases shall be secured.

Section 145. The penalties in cases arising under the three preceding sections shall not extend beyond removal from office, and disqualifications from holding office, under the authority of this state, for the term for which the officer was elected or appointed; but the accused shall be liable to indictment and punishment as prescribed by law.

#### ARTICLE VIII

##### Suffrage and Elections

Section 146. Every citizen of the United States who has attained the age of eighteen years and has resided in this state and in a county thereof for the time provided by law, if registered as provided by law, shall have the right to vote in the county of his residence. The legislature may prescribe reasonable and nondiscriminatory requirements as prerequisites to registration for voting.

Section 147. No person convicted of a felony involving moral turpitude, or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability.

Section 148. The legislature shall by law provide for the registration of voters, absentee voting, secrecy in voting, the administration of elections, and the nomination of candidates.

#### ARTICLE IX

##### Representation

Section 149. The number of senators shall be not more than thirty-five and the number of representatives shall be not more than one hundred five.

Section 150. The State shall be divided by law into single-member districts for the election of members of the Senate and into single-member districts for the election of members of the House of Representatives. Each single-member district shall consist of compact and adjoining territory, and the population of each such district shall be as nearly equal as practicable.

Section 151. Reapportionment of senatorial and house of representatives districts shall be accomplished by the legislature by law as soon as practical after official publication of each decennial census of the United States.

Section 152. Redistricting of congressional districts for the election of the members of the United States House of Representatives shall be accomplished by the legislature by law as soon as practical after official publica-

tion of each decennial census of the United States.

## ARTICLE X

### Education

Section 153. It is the policy of the state of Alabama to foster and promote public education and in furtherance of that policy the legislature may provide for the maintenance and support of public schools and may establish, organize and support such other public educational institutions, including public institutions of higher learning, as the legislature may deem desirable.

Section 154. General supervision of the public schools in Alabama shall be vested in a state board of education, which shall be elected in such manner as the legislature may provide.

Section 155. The chief state school officer shall be the state superintendent of education, who shall be appointed by the state board of education and serve at its pleasure. The authority and duties of the superintendent of education shall be determined by the state board of education according to such regulations as the legislature may prescribe. The superintendent of education shall receive an annual salary which shall be fixed by the State Board of Education within limits set by the legislature of Alabama and shall be paid from the state treasury in installments as the salaries of other state officers are paid.

Section 156. The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this state or given by the United States for educational purposes shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific object of the original grants or appropriations.

Section 157. All lands or other property given by individuals, or appropriated by the state for educational purposes, and all estates of deceased persons which shall have escheated to the state shall be used or applied to the furtherance of education.

Section 158. The income arising from the sixteenth section trust fund, the surplus revenue fund, until it is called for by the United States government, and the funds enumerated in sections 156 and 157 of this Constitution together with a special annual tax of thirty cents on each one hundred dollars of taxable property in this state, which the legislature shall levy, shall be applied to the support and furtherance of education, and it shall be the duty of the legislature to increase the public school fund from time to time as the necessity therefor and the condition of the treasury and the resources of the state may justify; provided, that nothing herein contained shall be so construed as to authorize the legislature to levy in any one year a greater rate of state taxation for all purposes, including schools, than sixty-five cents on each one hundred dollars worth of taxable property; and provided further, that nothing herein contained shall prevent the legislature from first providing for the payment of the bonded indebtedness of the state and interest thereon out of all the revenue of the state.

Except as they may be specifically set aside in trust funds or otherwise applied to the payment of indebtedness, all proceeds of income or other taxes levied by the state and of all special ad valorem or other taxes levied by counties and municipalities, or school districts, pursuant to the Constitution for public school purposes, shall be applied to the support and further-

ance of education pursuant to section 153 of this Constitution.

Section 159. No money raised for the support of the public schools shall be appropriated to or used for the support of any sectarian or denominational school.

Section 160. (a) The several counties in this state shall have power to levy and collect a special tax not exceeding ninety cents on each one hundred dollars of taxable property in such counties, or as otherwise constitutionally authorized prior to the adoption of this Constitution, for the support and furtherance of education in such manner as may be authorized by the legislature; provided, that the rate of such tax, the time it is to continue, and the purpose thereof, shall have been first submitted to a vote of the qualified electors of the county, and voted for by a majority of those voting at such election; and (b) the several school districts of any county in the state shall have power to levy and collect a special district tax not exceeding sixty cents on each one hundred dollars worth of taxable property in such district, or as otherwise constitutionally authorized prior to the adoption of this Constitution, for public school purposes; provided, that a school district under the meaning of this section shall include incorporated cities or towns, or any school district of which an incorporated city or town is a part, or such other school districts now existing or hereafter formed as may be approved by the county board of education; provided further, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election.

Section 161. The state university shall be under the management and control of a board of trustees, which shall consist of two members from each congressional district in the state, an additional member from the congressional district which includes the site of the first campus of the university, the superintendent of education, and the governor, who shall be ex officio president of the board. The members of the board of trustees shall hold office until their respective terms expire, and until their successors shall be elected and confirmed as hereinafter required. Trustees shall hold office for a term of six years, and shall not serve more than three consecutive full six-year terms on the board; provided however that a trustee shall retire from the board and vacate office at the annual meeting of the board following that trustee's seventieth birthday. Election of successor trustees or of trustees to fill any vacancy created by the expiration of a term or by the death or resignation of any member or from any other cause shall be by the remaining members of the board by secret ballot; provided, that any trustee so elected shall hold office from the date of election until confirmation or rejection by the senate, and, if confirmed, until the expiration of the term for which elected, and until a successor is elected. At every meeting of the legislature the superintendent of education shall certify to the senate the names of all who shall have been so elected since the last session of the legislature, and the senate shall confirm or reject them, as it shall determine is for the best interest of the university. If it rejects the names of any members, it shall thereupon elect trustees in the stead of those rejected. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. Upon the vacation of office by a trustee, the board, if it desires, may bestow upon a trustee the honorary title of trustee emeritus, but such status shall confer no responsibilities, duties, rights, or privileges as such.

Section 162. Auburn University shall be under the management and control of a board of trustees. The board of trustees shall consist of two

members from the congressional district in which the institution is located, one from each of the other congressional districts in the state as the same were constituted on the first day of January 1961, the state superintendent of education, and the governor, who shall be ex officio president of the board. The trustees shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for a term of twelve years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one-third may be chosen quadrennially. Vacancies occurring in the office of trustees from death or resignation shall be filled by the governor, and such appointee shall hold office until the next meeting of the legislature. The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be appointed as herein required. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of Auburn University shall be eligible to serve on its board of trustees.

## ARTICLE XI

### Local Government

Section 163. The boundaries of the several counties of this state, as they now exist, are hereby ratified and confirmed.

Section 164. The legislature may, by a vote of two-thirds of each house thereof, arrange and designate boundaries for the several counties of this state, which boundaries shall not be altered, except by a like vote; but no new county shall be formed hereafter of less extent than six hundred square miles, and no existing county shall be reduced to less than six hundred square miles; and no new county shall be formed unless it shall contain a sufficient number of inhabitants to entitle it to one representative under the ratio of representation existing at the time of its formation, and leave the county or counties from which it is taken with the required number of inhabitants to entitle such county or counties, each, to separate representation.

Section 165. No county line shall be altered or changed, or in the event of the creation of new counties shall be established, so as to run within seven miles of the county courthouse of any old county.

Section 166. No courthouse or county site shall be removed except by a majority vote of the qualified electors of said county, voting at an election held for such purpose, and when an election has once been held no other election shall be held for such purpose until the expiration of four years.

Section 167. The legislature shall provide by general law an optional plan or optional plans of local government for counties delegating such legislative authority to such governing bodies as the legislature deems desirable not inconsistent with the provisions of this constitution. A county may adopt or rescind such an optional plan of local government by referendum initiated by resolution of the governing body or by petition of the electorate in such county in accordance with such conditions and procedures as the legislature shall provide by general law. A county which does not elect to be governed by such an optional plan, or which rescinds such plan, shall continue to be governed according to the general or local laws which are, or may thereafter be, applicable to such county.

Section 168. The legislature shall also provide by general law optional plans of government for municipalities.

Section 169. The legislature shall provide by general law for the incorporation, government, merger and change of boundaries of cities and towns, and for the annexation of unincorporated territory to incorporated cities and towns, which are referred to as municipalities in this article, except that municipal boundaries may be altered or rearranged by local law.

Section 170. No person, firm, association, or corporation shall be authorized or permitted to use the streets, avenues, alleys or public places of any municipality for the construction or operation of any public utility or private enterprise, without first obtaining the consent of the proper authorities of the municipality.

Section 171. No franchise or license shall hereafter be granted by a municipality for a period longer than forty years.

Section 172. The legislature shall not enact any law which will permit any person, firm, corporation, or association to pay a privilege, license, or other tax to the State of Alabama, and relieve him or it from the payment of all other privilege and license taxes in the state.

Section 173. Municipal and other corporations and individuals invested with the privilege of taking property for public use, shall make just compensation to be ascertained as may be provided by law, for the property taken, injured, or destroyed by the construction or enlargement of its works, highways, or improvements, which compensation shall be paid before such taking, injury, or destruction. The legislature is hereby prohibited from denying the right of appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise, but such appeal shall not deprive those who have obtained the judgment of condemnation from a right of entry, provided the amount of damages assessed shall have been paid into court in money, and a bond shall have been given in not less than the amount of the damages assessed, with good and sufficient sureties, to pay such damages as the property owner may sustain; and the amount of damages in all cases of appeals shall on demand of either party, be determined by a jury according to law.

Section 174. In the event of conflict between a municipal or county ordinance and a state law, the state law shall prevail.

## ARTICLE XII

### Taxation and Debt Limitation

Section 175. Neither the state of Alabama nor any political subdivision of the state shall have, or be granted by the legislature, the power to lend its credit, or to grant public money or thing of value in aid of or to any individual, private association, or private corporation whatsoever except for public purposes as authorized by law and unless approved by a majority of the qualified electors of the state or the affected political subdivision voting on such issue; nor shall the state or any political subdivision thereof be interested in any private or corporate enterprise; provided that nothing herein shall prohibit the legislature from (1) authorizing the investment of public trust funds and, in particular, those funds managed and administered by the state retirement systems and its officers, but excepting the special educational trust fund, or (2) authorizing the investment of other public funds in obligations of, or insured by, the United States government or any of its agencies or instrumentalities or in any fully insured or secured interest bearing time deposits whether or not evidenced by certificates of deposit. Except as herein permitted the state shall not be engaged in the business of banking nor be a stockholder in any bank nor shall the credit of the state be

given or loaned to any banking company, association, or corporation. Nothing contained in this section shall prohibit the legislature from authorizing the expenditure of special assessments, fees or other charges collected from the producers of agricultural, dairy, poultry, or livestock products for the general promotion of these industries nor shall any provision of this Constitution prohibit the delegation by the legislature of powers to collect fees or charges for use in the promotion of such industries.

Section 176. The power to levy taxes shall not be delegated to individuals or private corporations or associations.

Section 177. A state tax may be levied on net income and shall not exceed the rate of five per cent. The revenue from this tax shall be used: (1) to replace the revenue lost to the several funds of the state by reason of the exemption of homesteads from the state ad valorem tax, and (2) the residue shall be placed in the state treasury to the credit of the Alabama Special Educational Trust Fund to be used only for the payment of public school teachers' salaries.

Section 178. A resident individual or a corporation organized under the law of this state shall be allowed to deduct from gross income the amount of federal income tax paid or accrued within the taxable year. A nonresident individual or foreign corporation shall be allowed to deduct only that amount of federal income tax paid or accrued in the taxable year on income received from sources within the state, to be determined in accordance with such laws as the legislature may enact.

Section 179. Except as prohibited by this Constitution, the legislature, in enacting laws taxing income, may define income by reference to provisions of the laws of the United States as they then exist or may prospectively be enacted, with such modification as may be prescribed by the law of this state.

Section 180. The legislature may provide for the assessment, levy and collection of a tax upon inheritances and for the levying of estate taxes.

Section 181. No moneys derived from any fees, excises, or license taxes, levied by the state, relating to registration, operation, or use of vehicles upon the public highways except a vehicle-use tax imposed in lieu of a sales tax and except for any extra fee charged for personalized license plates, and no moneys derived from any fee, excises, or license taxes, levied by the state, relating to fuels used for propelling such vehicles except pump taxes, shall be expended for other than the cost of administering such laws, statutory refunds and adjustments allowed therein, the cost of construction, reconstruction, maintenance and repair of public highways and bridges, the costs of highway rights-of-way, payment of highway obligations, the cost of traffic regulation, and the expense of enforcing state traffic and motor vehicle laws. The provisions of this section shall not apply to any such fees, excises, or license taxes now levied by the state for school purposes for this whole state or for any county or city board of education therein.

Section 182. There shall be a fund in the state treasury which shall be known as the fish and wildlife fund and which shall consist of all moneys received from the sale of hunting and fishing licenses, from fines, forfeitures, and any other fee received pursuant to the fish and wildlife laws of this state or rules and regulations promulgated thereunder, all moneys derived from the sale of lands, timber or other natural resources owned by the game and fish division of the Department of Conservation, all moneys received from grants, voluntary contributions and interest on lifetime licenses,



and all moneys accruing to the fish and wildlife fund from any other source. No funds accruing to the fish and wildlife fund shall be expended for any purpose other than the payment of administrative costs of the fish and wildlife activities of the Department of Conservation and for the protection, propagation, preservation or investigation of fish and wildlife or for the public use of the fish and wildlife resources of this state.

Section 183. State ad valorem taxes shall not be levied in excess of six and one-half mills on the assessed value of property in any one taxable year.

Section 184. (a) All taxable property within this state, not exempt by law, shall be divided into the following classes for the purposes of ad valorem taxation:

Class I. All property of utilities used in the business of such utilities.

Class II. All property not otherwise classified.

Class III. All agricultural, forest and single-family owner-occupied residential property, and historic buildings and sites.

Class IV. All private passenger automobiles and motor trucks of the type commonly known as "pickups" or "pickup trucks" owned and operated by an individual for personal or private use and not for hire, rent or compensation.

(b) With respect to ad valorem taxes levied by the state, all taxable property shall be forever taxed at the same rate. Such property shall be assessed for ad valorem tax purposes according to the classes thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value (except as otherwise provided in subsection (j) hereof) of such property:

Class I. 30 per centum.

Class II. 20 per centum.

Class III. 10 per centum.

Class IV. 15 per centum.

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authorities, all taxable property shall be forever taxed at the same rate. Such property shall be assessed for ad valorem tax purposes according to the classes of property defined in subsection (a) hereof and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in subsection (b) hereof, except as otherwise provided in subsection (j) hereof and this subsection (such ratios being herein called "assessment ratios"). The governing body of any county, municipality or other taxing authority may, subject to criteria established by act of the legislature, at any time increase or decrease the assessment ratio applicable to any class of taxable property; provided, that any proposed adjustment to an assessment ratio to be made pursuant to this sentence, whether an increase or decrease, shall have been (1) proposed by the governing body of the taxing authority after a public hearing on such proposal, (2) authorized by an act of the legislature, and (3) subsequently approved by a majority vote of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections. The legislature shall enact general laws applicable to all counties, municipalities and other taxing authorities regulating and establishing criteria for the exercise of the powers granted such taxing authorities to adjust assessment ratios as hereinabove provided. Such assess-

ment ratios as herein authorized may vary among taxing authorities so long as each such assessment ratio is uniform within a taxing authority. Any decrease in any assessment ratio pursuant to this subsection shall not jeopardize the payment of any bonded indebtedness secured by any tax levied by the taxing authority decreasing the assessment ratio. Any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, shall, other than in the case of a municipality, be taken by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority.

(d) With respect to ad valorem taxes levied by the state or by any county, municipality or other taxing authority, no class of taxable property shall have an assessment ratio of less than 5 per centum nor more than 35 per centum.

(e) A county, municipality, or other taxing authority may decrease any ad valorem tax rate at any time, provided such decrease shall not jeopardize the payment of any bonded indebtedness secured by such tax.

(f) No county, municipality or other taxing authority may levy ad valorem taxes in addition to those authorized to be levied on the effective date of this Constitution or increase the rate of ad valorem taxation above that authorized on such date. Any county, municipality, or other taxing authority may at any time increase the rate at which any ad valorem tax is levied above the limit provided by law on the effective date of this Constitution or otherwise permitted by this Constitution; provided, that the proposed increase to be made pursuant to this subsection shall have been (1) proposed by the governing body of the taxing authority after a public hearing on such proposal, (2) authorized by an act of the legislature, and (3) subsequently approved by a majority of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections. Any adjustments or other actions authorized to be made or taken pursuant to this subsection and subsection (e) hereof shall be made or taken by resolution of the governing body of such taxing authority, or if there is no such governing body and in the case of a taxing authority other than a municipality, by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority. The provisions of subsections (c), (e) and (f) of this section shall not apply to ad valorem taxes levied by the state; provided, however, that the legislature shall not have the power to levy ad valorem taxes for the benefit of any county, municipality or other taxing authority nor shall the legislature have the power to increase the rate of any ad valorem tax levied by a county, municipality or other taxing authority, except in conjunction with the procedure set forth in clauses (1), (2) and (3) of this subsection (f).

(g) The legislature is authorized to enact legislation to implement the provisions of this section and may provide for exemptions from taxation; provided, that unless otherwise expressly provided, no amendment to this section shall be construed to repeal any statutory exemption existing on the effective date of any such amendment hereto.

(h) Wherever any constitutional provision or statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes, such provisions shall mean as assessed for county or municipal taxes, as the case may be.

(i) Except as otherwise provided in this Constitution, or authorized prior to the adoption of this Constitution the amount of ad valorem taxes payable to the state and to all counties, municipalities and other taxing authorities with respect to any item of taxable property described as Class I property shall never exceed 2% of the fair and reasonable market value of such taxable property in any one ad valorem tax year, such amount with respect to any item of Class II property shall never exceed  $1\frac{1}{2}\%$  of the fair and reasonable market value of such taxable property in any one ad valorem tax year, such amount with respect to any item of Class IV property shall never exceed  $1\frac{1}{4}\%$  of the fair and reasonable market value of such taxable property in any one ad valorem tax year, and such amount with respect to any item of Class III property shall never exceed 1% of the fair and reasonable market value of such taxable property in any one ad valorem tax year. Whenever the total amount of ad valorem property taxes otherwise payable by any taxpayer with respect to any item of taxable property shall exceed in any one ad valorem tax year the maximum amount of such taxes permitted by this section, such amount of taxes shall be reduced by subtracting that amount of tax due that is in excess of the amount of tax otherwise permissible under the Constitution. In connection with the taxation of any item of taxable property, the amount of tax to be subtracted with respect to each authority levying and collecting any ad valorem property tax shall be in the same proportion to the total amount of tax to be subtracted that the total number of mills on each dollar of taxable property situated in the taxing authority levied by such taxing authority bears to the total number of mills on each dollar of taxable property situated in the taxing authority levied by all taxing authorities with respect to such item of taxable property. Before sending to any taxpayer any notice relating to the collection of ad valorem taxes, the tax collector in each county shall determine whether any portion of the amount of ad valorem property tax otherwise due with respect to any item of taxable property shall be subtracted pursuant to the provisions of this subsection and shall apportion the amount to be subtracted in accordance with the provisions of this subsection.

(j) Notwithstanding any other provision of this section, taxable property defined in subsection (a) hereof as Class III property shall, upon application by the owner of such property, be assessed at the ratio of assessed value to the current use value of such taxable property and not the fair and reasonable market value of such property. The legislature may enact laws uniformly applicable to the state and all counties, municipalities and other taxing authorities establishing criteria and procedures for the determination of the current use value of any eligible taxable property and procedures for qualifying such property for assessment at its current use value. The legislature may enact laws uniformly applicable to the state and all counties, municipalities and other taxing authorities providing for the ad valorem taxation of any taxable property ceasing to qualify for current use valuation; provided, however, that any additional tax on taxable property ceasing to qualify for current use valuation shall not apply to more than the three ad valorem tax years immediately preceding such cessation of qualification (including as one such year the year in which cessation of qualification occurs).

(k) The following property shall be exempt from all ad valorem taxation: the real and personal property of the state, counties, and municipalities and property devoted exclusively to religious, educational, cemetery, or charitable purposes, household and kitchen furniture, all farm tractors, all farming implements when used exclusively in connection with agricultural property and all stocks of goods, wares and merchandise.

Section 185. No debt shall be created against, or incurred by, the state, nor shall any bonds, warrants, notes or other securities payable in whole or in part from state taxes, licenses or appropriations be issued, except pursuant to an act passed by a vote of three-fifths of the members elected to each house of the legislature and approval by a majority of the electors of the state voting on the question.

The following shall not constitute a debt of the state within the meaning of this section:

(1) Bonds or other securities issued by any state university, college or other institution of higher learning, or by the state board of education or other such governing board on behalf of any of the foregoing, if by their terms such bonds or other securities are not made a charge on the general credit or any of the tax revenues of the state or any monies appropriated to such institution by the state, but are made payable solely out of tuition, fees or other revenues (from whatever source) referable to the operation of such institution;

(2) Bonds or other securities issued by or on behalf of the state or any of its instrumentalities if by their terms they do not constitute a charge on the general credit or tax revenues of the state, but are payable solely from the revenues from specified facilities (whether or not such facilities were in existence or owned by or on behalf of the state at the time such bonds or securities were issued) or from sources other than state taxes, licenses or appropriations;

(3) Bonds or other securities at anytime issued by the Alabama highway authority, Alabama public school and college authority, Alabama highway finance corporation, Alabama federal aid highway finance authority and any other public corporation or authority heretofore or hereafter created at the state level and which are payable solely from, and secured by a continuing appropriation and pledge of, any proceeds of any excise, privilege, license, income, ad valorem or other tax or taxes levied or imposed by the state, (i) even though the tax or taxes out of which such bonds or other securities are payable consist wholly or in part of tax proceeds that may at anytime have been or in the absence of such pledge would be available to the general fund of the state, and (ii) even though the taxes pledged to payment of such bonds or other securities may have been originally levied for purposes other than that for which such bonds or other securities are to be issued; any statute authorizing the issuance of bonds or other securities by a public corporation within to the provisions of this paragraph shall require for its passage a vote of three-fifths of the members elected to each house of the legislature.

It shall be unlawful for the comptroller of the state of Alabama to draw any warrant or other order for the payment of money belonging to, or administered by, the state of Alabama upon the state treasurer, unless there is in the hand of such treasurer money appropriated and available for the full payment of the same. In case there is, at the end of any fiscal year, insufficient money in the state treasury for the payment of all proper claims presented to the state comptroller for the issuance of warrants, the comptroller shall issue warrants for that proportion of each such claim which the money available for the payment of all said claims bears to the whole, and such warrants for such prorated sums shall thereupon be paid by the state treasurer, provided, however, that the legislature may exempt the payment of the bonded indebtedness of the state and the interest thereon from such proportionate reduction. At the end of each fiscal year all unpaid appropria-

tions which exceed the amount of money in the state treasury subject to the payment of the same after the proration above provided for, shall thereupon become null and void to the extent of such excess. Any person violating any of the provisions of this section shall, on conviction, be punished by a fine of not exceeding five thousand dollars, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any provisions of this section shall also be ground for impeachment.

Section 186. No county or municipality shall incur indebtedness in an amount which, when added to then existing indebtedness (including that incurred prior to the effective date of this section) exceeds the following percentages of the assessed value of the property assessed for taxation by such county or municipality for the preceding tax year: (1) 10 per cent in the case of a county; and (2) 35 per cent in the case of a municipality. The preceding debt limitation shall not apply to the following obligations:

(a) Obligations for current operating expenses in any fiscal year that mature not later than the last day of such fiscal year, made in anticipation of the collection of taxes, not exceeding 25 per cent of the general revenues received in the preceding fiscal year which were available for such purposes; provided that if such obligations are not paid and retired by the end of the fiscal year in which incurred, they shall thereupon be considered to constitute indebtedness subject to the above limitation;

(b) Obligations to provide funds to pay for public improvements, the cost of which is to be assessed, in whole or in part, against the property abutting on or drained, served or benefitted by such improvements;

(c) Obligations that by their terms do not constitute a charge on the general credit or tax revenues of the obligor, but are payable solely from distributions of taxes or other revenues by the state to such obligor;

(d) Obligations of a county that by their terms do not constitute a charge on the general credit or tax revenues of the county and obligations of a public corporation designated by the county to acquire, construct, equip, operate and maintain public hospital facilities; provided that such county or corporate obligations are payable solely from taxes now or hereafter levied for hospital or other health purposes or from hospital revenues or both;

(e) Obligations that by their terms do not constitute a charge on the general credit or tax revenues of the obligor, but are payable solely from revenues from specified facilities (whether or not such facilities were in existence or owned by the obligor at the time such indebtedness was incurred) or from sources other than tax or license proceeds;

(f) Obligations of any public corporation, notwithstanding the fact that property, whether or not capable of producing income, may have been transferred to such public corporation by any county or municipality with or without consideration;

(g) Obligations of any county or municipal board of education;

(h) Obligations consisting of principal of or accrued interest on indebtedness to the extent that one or more sinking funds or trust funds shall be established for the payment of such principal or interest, provided that any such sinking fund or trust fund shall comply with the following conditions:

(1) any such sinking fund or trust fund shall consist of (i) cash, (ii) federal securities, (iii) demand or time deposits with banks (whether or not evidenced by certificates of deposit) that are insured by an agency of the

United States of America or, to the extent not so insured, are secured by collateral consisting of federal securities and having a market value (exclusive of accrued interest) not less than the amount of such deposits not so insured, or (iv) any combination of cash, federal securities or bank deposits, it being provided that, for purposes of this subsection (h), federal securities shall mean direct obligations of the United States of America or obligations unconditionally guaranteed by the United States of America as to the payment of both principal and interest; and

(2) the principal and interest maturing with respect to any federal securities or time deposits held in any such sinking fund or trust fund, together with the amount of any cash or demand deposits held therein, will provide moneys sufficient to pay any principal or accrued interest excluded from the debt limit pursuant to this subsection (h) on or before the respective maturities or due dates of such principal and interest;

provided further that the legislature may by general law provide additional or different conditions under which the establishment of sinking funds or trust funds for the payment of the principal of and accrued interest on obligations of counties and municipalities shall cause the debt limitation of this section to be inapplicable to such principal and interest;

(i) Obligations incurred prior to the effective date of this section that were not, at the time incurred, chargeable to the limitations on indebtedness prescribed by Section 224 or 225 of the Constitution of 1901, as amended; and

(j) Obligations incurred by any municipality for the purpose of acquiring, providing or constructing school houses;

(k) Obligations authorized as to purpose, principal amount and final maturity (1) by action of the governing body of any county or municipality after a public hearing on the proposal, (2) thereafter approved by an act of the legislature and (3) subsequently approved by a majority of the electors of such county or municipality, as the case may be, who vote on the proposal.

Section 187. The legislature shall have authority to pass general laws authorizing the counties, municipalities, districts or other political subdivisions of counties to issue bonds, but no bonds shall be issued under authority of a general law unless such issue of bonds be first authorized by a majority vote by ballot of the qualified voters of such county, municipality, district, or other political subdivision of a county, voting upon such proposition. The ballot used at such election shall contain the words: "For . . . bond issue," and "Against . . . bond issue" (the character of the bond to be shown in the blank space), and the voter shall indicate his choice by placing a cross mark before or after the one or the other. This section shall not apply to the renewal, refunding, or reissue of bonds lawfully issued, nor shall this section apply to obligations incurred or bonds to be issued to procure means to pay for street and sidewalk improvements or sanitary or storm water sewers, the cost of which is to be assessed, in whole or in part, against the property abutting said improvements or drained by such sanitary or storm water sewers.

## ARTICLE XIII

### Militia

Section 188. The legislature shall have power to declare who shall constitute the militia of the state, and to provide for organizing, arming, and

disciplining the same; and the legislature may provide for the organization of a state and naval militia.

Section 189. The legislature, in providing for the organization, equipment, and discipline of the state military forces, shall conform as nearly as practicable to the regulations of the department of defense of the United States, and the laws of the United States, governing the armed forces of the United States. All affairs pertaining to the state military forces shall be administered by a state military department, which shall be headed by the adjutant general, and who shall be responsible to the governor as commander-in-chief.

Section 190. Officers of the state military forces, including the adjutant general, shall be appointed, and shall be subject to suspension, discharge, removal, or compulsory retirement as such, solely on the basis of military proficiency, character and service, as determined by department of defense regulations and military usages sanctioned by the military laws of the United States, anything in this Constitution to the contrary notwithstanding. The qualifications of personnel of the federally recognized national guard shall be as prescribed in pertinent regulations and policies of the United States department of defense.

Section 191. The governor shall, with the advice and consent of the senate, appoint the adjutant general and all general officers. The governor shall appoint his own staff, as may be provided by law.

Section 192. The legislature shall provide for the safe keeping of the arms, ammunition, and accoutrements, and military records, banners, and relics of the state.

Section 193. The officers and men of the militia shall not be entitled to receive any pay, rations, or emoluments when not in active service.

#### ARTICLE XIV

##### Public Officers

Section 194. All members of the legislature, and all officers, executive and judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath or affirmation:

"I \_\_\_\_\_, solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God."

The oath may be administered by the presiding officer of either house of the legislature, or by any officer authorized by law to administer an oath.

Section 195. No person holding an office of profit under the United States shall, during his continuance in such office, hold any office of profit under this state; nor shall any person, except a notary public, hold two offices of profit at one and the same time under this state.

Section 196. The salary, fees, or compensation of any officer holding any civil office of profit under this state or any county or municipality thereof, shall not be increased or diminished during the term for which he shall have been elected or appointed. Neither the legislature, nor any county of the state shall, by the imposition of new, different, and additional duties or otherwise, increase, or authorize the increase of, the salary, fees or other compensation of any officer of the state or of any county of the state,

who is elected or appointed for a fixed term, during the term for which he is elected or appointed, regardless of whether such officer may be removed at the pleasure of the authority electing or appointing him or only upon impeachment; nor shall the legislature or any county of the state in any manner or by any means decrease, or authorize the decrease of, the salary, fees or other compensation of any such officer, during the term for which he is elected or appointed; nor shall the legislature or any county of the state increase or decrease, or authorize the increase or decrease of, the salary, fees or other compensation of any person filling an unexpired term in any such office during the remainder of such term, either before or after the appointment or election of such person to fill the unexpired term. As to officers who are members of any court, board, commission, or similar body whose terms do not run concurrently, any increase or decrease in the salary, fees, or other compensation of the members of any such court, board, commission, or similar body shall become effective as to all such members thereof immediately after the expiration of the term or terms of office of the member or members whose term or terms first expire.

Section 197. The legislature may, by general or local law, change the method or basis of compensating any officer of a county including the judge of probate, sheriff, tax assessor, and tax collector, and may place such officers on a salary. In the event that a county officer is placed on a salary, all fees, allowances, and commissions collected by him shall be paid into the county treasury. No law shall be effective to change the method of compensating any county officer during the term for which he shall have been elected or appointed. The legislature may by local act provide for the abolishment, combination or other alteration of the offices of tax assessor, tax collector or license commissioner with approval of a majority of voters in the county affected.

Section 198. No person convicted of a felony involving moral turpitude whose civil and political rights have not been restored shall be eligible to hold any office of trust or profit in this state.

Section 199. Appointments and promotions in the civil service of this state shall be made according to merit, fitness and efficiency, to be determined, so far as practicable, by examination, which, so far as practicable, shall be competitive under such laws as the legislature may enact. It shall be the duty of the legislature to maintain laws necessary to implement, and to provide adequate financial support for, a program of personnel management in the state service.

## ARTICLE XV

### Application and Implementation

Section 200. It is made the duty of the legislature to enact all laws necessary to give effect to the provisions of this Constitution.

Section 201. Legislative acts in violation of this Constitution or the Constitution of the United States are void and the judiciary shall so declare them.

Section 202. This Constitution and every provision hereof is adopted for the protection of the citizens of this state and any such citizen may invoke its provisions in the courts of this state.



ARTICLE XVI

Mode of Amending the Constitution

Section 203. Amendments to this Constitution or a new Constitution may be proposed by the Legislature or by a constitutional convention as provided in this article. Only amendments which are of general and uniform applicability throughout the state shall be proposed, passed, or submitted to the people.

Section 204. Amendments may be proposed to this Constitution by the legislature in the manner following: The proposed amendments shall be read in the house in which they originate on three several days, and, if upon the third reading three-fifths of all the members elected to that house shall vote in favor thereof, the proposed amendments shall be sent to the other house, in which they shall likewise be read on three several days, and if upon the third reading three-fifths of all of the members elected to that house shall vote in favor of the proposed amendments, the legislature shall order an election by the qualified electors of the state upon such proposed amendments. Proposed amendments shall be submitted to the electors of the state at the next general election following the notice required by this section, provided, that the legislature may, by separate act adopted by it in the manner required for proposing an amendment, call a special election for submission of an amendment. The act must declare that an emergency exists necessitating the submission prior to the next general election, and shall not be effective unless approved by the governor within seven days after it has been submitted to him. If a special election on a proposed amendment is called, other amendments may be submitted at the same election. Notice of such election, together with the proposed amendments, shall be given by proclamation of the governor, which shall be published in every county in such manner as the legislature shall direct, for at least four successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the state upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments; if it be held on a day other than that of the general election, officers for such election shall be appointed; and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments, the votes cast thereat shall be canvassed, tabulated and returns thereof be made to the secretary of state, and counted, in the same manner as in elections for representatives in the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The result of such election shall be made known by proclamation of the governor.

Section 205. Upon the ballots used at all elections provided for in section 204 of this Constitution the substance or subject matter of each proposed amendment shall be so printed that the nature thereof shall be clearly indicated. Following each proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark made by him or under his direction, opposite the word expressing his desire.

Section 206. No convention shall hereafter be held for the purpose of altering or amending the Constitution of this state, unless after the legisla-

ture by a vote of a majority of all the members elected to each house has passed an act or resolution calling a convention for such purpose the question of convention or no convention shall be first submitted to a vote of all the qualified electors of the state, and approved by a majority of those voting at such election. No act or resolution of the legislature calling a convention for the purpose of altering or amending the Constitution of this state, shall be repealed except upon the vote of a majority of all the members elected to each house at the same session at which such act or resolution was passed; provided, nothing herein contained shall be construed as restricting the jurisdiction and power of the convention, when duly assembled in pursuance of this section, to establish such ordinances and to do and perform such things as to the convention may seem necessary or proper for the purpose of altering, revising, or amending the existing Constitution.

Section 207. All votes of the legislature upon proposed amendments to this Constitution, and upon bills or resolutions calling a convention for the purpose of altering or amending the Constitution of this state, shall be taken by yeas and nays and entered on the journals. No act or resolution of the legislature passed in accordance with the provisions of this article, proposing amendments to this Constitution, or calling a convention for the purpose of altering or amending the Constitution of this state, shall be submitted for the approval of the governor, but shall be valid without his approval.

## ARTICLE XVII

### Continuation and Transition

Section 208. The Constitution of 1901, as amended, shall have no force or effect after the adoption of this Constitution, except as provided elsewhere in this Constitution.

Section 209. All laws in effect when this Constitution is adopted which were valid under the provisions of the Constitution of 1901 and which are not inconsistent with the provisions of this Constitution shall continue in effect until they are amended, repealed or expire by their own limitation.

Section 210. Amendments to the Constitution of 1901 which are not incorporated in the provisions of this Constitution and which are not inconsistent with the provisions of this Constitution shall continue in effect as general or local laws as defined by this Constitution until amended or repealed; provided that any such statute shall not be amended or repealed except by an act of the legislature and approved by a vote of the electors in this State or in the county, municipality or other political subdivision to which the statute applies; provided further, in particular, that amendments 3, 202, and 382, have been incorporated in substance into section 160 of this constitution and shall not be separately continued as statutes under this provision.

Section 211. All rights, claims, demands, contracts, titles, proceedings, actions, causes of action, suits, prosecutions, judgments, sentences, orders, decrees, and appeals in existence when this Constitution is adopted that are not inconsistent with the provisions of this Constitution shall continue in effect after the adoption of this Constitution. All indictments for crimes or offenses committed before the adoption of this Constitution shall be proceeded upon pursuant to the provisions of the Constitution of 1901, as amended, as if this Constitution had not been adopted.

Section 212. All bonds or obligations that were validly issued or incurred by the State or any public corporation pursuant to the provisions of the Constitution of 1901, as amended, shall continue in effect after the

adoption of this Constitution. Nothing in this constitution shall be construed to affect the validity of any general obligation indebtedness incurred by any county, city or town prior to the effective date of this section, and all such indebtedness is hereby validated and confirmed except in cases where (1) such indebtedness exceeded, at the time it was incurred, any limitation on indebtedness at that time imposed by the Constitution of Alabama of 1901, as amended, or (2) the validity of such indebtedness is or was adversely adjudicated in any judicial proceeding commenced prior to the effective date of this section.

Section 213. All taxes validly authorized pursuant to the provisions of the Constitution of 1901, as amended, the authorization of which is in effect when this Constitution is adopted, shall continue to be authorized and shall continue in effect after the adoption of this Constitution until altered, repealed or otherwise terminated by law.

Section 214. The officers of the state and all political subdivisions of the state holding office when this Constitution is adopted shall continue in the exercise of their functions and duties under the provisions of this Constitution and the laws of this state applicable to such officers, provided specifically that no provision of this Constitution shall lengthen or shorten the term of any person holding office when this Constitution is adopted.

Section 215. The Alabama Heritage Trust Fund created by Amendment No. 394 to the Constitution of 1901 shall continue in effect as provided for in that amendment after the adoption of this Constitution as if this Constitution had never been adopted except that such trust funds may be invested as permitted of other trust funds by Section 175 of this Constitution.

Section 216. Any statute that was otherwise valid and constitutional that was enacted before January 13, 1978, by the legislature of this state and was a general act of local application on a population basis, that applied only to a certain county or counties or a municipality or municipalities of this state, shall not be declared invalid or unconstitutional by any court of this state because it was not properly advertised in compliance with section 88 of this Constitution. All such population based acts shall forever apply only to the county or counties or municipality or municipalities to which they applied on January 13, 1978, and no other, despite changes in population. The population based acts referred to above shall only be amended by acts which are properly advertised and passed by the legislature in accordance with the provisions of this Constitution.

Section 217. All special incomes and powers of taxation as are authorized by law at the time of the adoption of this constitution for the benefit of public schools in Mobile county shall continue to be authorized and shall continue in effect after the adoption of this constitution until otherwise provided by the legislature, and the adoption of this constitution shall not alter or disturb the existing right of the board of school commissioners of Mobile county to manage and control the 16th section lands in that county or to derive income from those lands.

Section 218. No county or municipality authorized by any amendment to the Constitution of 1901 to incur obligations, payable in whole or in part from taxes, for industrial or commercial development shall incur obligations under such authority later than two years after the adoption of this constitution.

Section 219. Any municipality in the State of Alabama which, pursu-

ant to any of the provisions of Section 216 of the Constitution of 1901 or Amendments Nos. 8, 17 and 240 to the Constitution of 1901, was authorized to levy and collect a tax on property situated within its municipal boundaries for the exclusive purpose of paying its bonds or other indebtedness and the interest thereon, whether such bonds were issued or such other indebtedness was incurred before or after the effective date of said Section 216 or said Amendments Nos. 8, 17 and 240, shall continue under this Constitution to have the right to levy and collect such tax, irrespective of whether such tax was being levied and collected prior to the effective date of this Constitution, in the same manner and on the same terms and conditions (including any adjustment to the rate of such tax permitted by the provisions of Amendment No. 373 to the Constitution of 1901) as applied to the levy and collection of such tax and the use of the proceeds thereof under the Constitution of 1901, the relevant amendments thereto and other applicable laws of the State of Alabama in effect prior to the effective date of this Constitution. Any tax described in the first sentence of this section which is being levied and collected by any municipality as of the effective date of this Constitution shall continue in effect in accordance with the ordinance or other action of the municipal governing body providing for the levy thereof and shall not in any way be affected by the adoption of this Constitution. Any other provision of this Constitution to the contrary notwithstanding, any tax described in the first sentence of this section shall be independent of and in addition to any other taxes at any time authorized to be levied by municipalities in the State of Alabama.

Section 220. The Alabama State Docks Department shall continue in existence and shall have all the powers previously granted to or provided for it pursuant to those amendments to the Constitution of Alabama of 1901 respecting said Department in effect at the time this Constitution is adopted, which amendments shall continue in effect and are incorporated hereby in this Constitution, and said Department shall continue to be authorized to exercise all powers being exercised by said Department at the time of the adoption of this Constitution until such powers are altered, repealed or otherwise terminated through adoption of amendments to this Constitution, provided, however, that the Legislature may provide for the issuance of bonds or other securities by said Department and for such additional powers for the Department as the Legislature shall determine.

Section 221. The provisions of Section 47 of this Constitution notwithstanding, the compensation and expense allowance payable to members of the legislature may be fixed by the legislature in the organizational or regular session of 1984 and may not be altered thereafter during such term.

Section 222. Throughout this Constitution, the masculine gender shall be deemed to include the feminine and vice versa, and both shall be deemed to include the neuter and vice versa, whenever the context admits such construction.

Section 2. An election upon the proposed amendment is ordered to be held at the next special or general election held not less than three months after the final adjournment of the 1983 regular session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day ap-

pointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

On motion of Senator deGraffenreid, further consideration of the Report of the Committee on Conference on the Bill, S. B. 58, was postponed temporarily.

### REPORTS OF COMMITTEES

Senator Kirkland, Vice Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Campbell:

H. 75. To provide a procedure for hearings by the court prior to release from custody of defendants who were found to have committed a criminal act while mentally ill and were committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

By Reps. Flowers, Grouby, Browder, Smith, Rice, and Preuitt:

H. 299. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

By Rep. Langford:

H. 278. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000.00, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of \$2,000.00 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

By Reps. Boles, Smith, and Trammell:

H. 339. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district

attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitation for paternity action under this act; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

By Reps. Browder, Crow, Bowling, Junkins, Bennett, Blake, Coleman, and Holley:

H. 480. To amend Sections 15-18-69 and 15-18-71 of the Code of Alabama 1975, as amended, relating to restitution criteria and procedures so as to provide that the District Attorney may represent the victim in judicial proceedings concerning restitution; to provide further that the burden of proof at the restitution hearing be on the party claiming restitution by a preponderance of the evidence; to provide further that the defendant, the District Attorney, or the victim have the right to appeal a restitution order without affecting the conviction or any other aspect of sentencing; and to provide further that the Director of the Department of Corrections adopt and promulgate rules relating to restitution by convicts.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Grimsley and Brakefield:

H. 648. To amend Sections 27-43-3, 27-43-6, and 27-43-15, Code of Alabama 1975, relating to legal expense insurance, so as to permit certain persons conducting life, accident and sickness insurance business to transact legal insurance business.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Venable:

H. 601. To amend Act No. 1158, S. 866, Regular Session 1969 (Acts 1969, p. 2163), which provides for the office of public defender in certain judicial circuits having a certain minimum state penitentiary population, so as to provide that each county having such a minimum state penitentiary population within each such circuit shall have a public defender; to provide that the governor shall appoint any such public defender for any vacancy occurring prior to the general election of 1984; and to provide that at the 1984 general election and every four years thereafter, a public defender shall be elected.

Senator Robertson, Chairperson of the Standing Committee on Military Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Stout, Crow, Rogers, Coleman, Hammett, Warren, Bennett, Waggoner, Mitchell, Turner, White (L), Grimsley, Ford, Junkins, and Richardson:

H. 94. To permit, upon proper application and approval by the adjutant general of the Alabama National Guard, any eligible veteran to have a ceremonial funeral with honor guard furnished by the Alabama National Guard personnel.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Clark and Buskey (With Notice and Proof):

H. 859. Relating to the City of Prichard, Mobile County and the pension and retirement fund for such city; amending further Sections XII and XXII of Act No. 235, H. 290, of the 1963 Regular Session (Acts 1963, p. 636) as last amended, relating to the payment eligibility and the formula therefor of certain retirees, and persons who leave city service before retirement, so as to provide that all monies contributed by the member to such fund and increases for retirees.

By Reps. Turner, Kennedy, Box, Zoghby, Clark, Gaston, Kvalheim, and Clikas (With Notice and Proof):

H. 185. Relating to Mobile County; to authorize volunteer fire departments to paint arrows on the highways and roads to signify the location of fire hydrants within the service areas.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Richardson (With Notice and Proof):

H. 223. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Jackson County, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Jackson County; to provide fire fighting and prevention services and to authorize the levy and collection of certain taxes for the support of such districts.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Junkins (With Notice and Proof):

H. 258. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

By Rep. Moore (With Notice and Proof):

H. 328. Relating to Shelby County; to provide further for the office of the county coroner; to prescribe an expense allowance for said coroner; to provide for a deputy county coroner; to prescribe salary and expense allowance for such deputy coroner and to provide for supplemental effect.

By Rep. Moore (With Notice and Proof):

H. 443. Relating to Shelby County; authorizing and empowering the county commission to promulgate and implement rules and regulations including advance permit requirements for adequate control and accommodation of outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside of the municipal or town limits of any city or town in Shelby County and prescribing penalty for violation.

By Rep. Thomas (With Notice and Proof):

H. 448. To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

By Reps. Penry, McMillan, and Blakeney (With Notice and Proof):

H. 482. Relating to Baldwin County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

By Rep. Smith (With Notice and Proof):

H. 513. To promote the maintenance of Chilton County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Chilton County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Chilton County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Chilton County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Chilton County; to grant authority to the Chilton County Health Department to enforce littering laws in Chilton County, and to provide for a means to plea to the public to heed such laws and to help eliminate litter in such county.

By Rep. Newman (With Notice and Proof):

H. 554. Relating to Lamar County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Lamar County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

By Rep. Bowling (With Notice and Proof):

H. 655. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

By Reps. Venable and Grouby (With Notice and Proof):

H. 677. Relating to Elmore County, to provide an expense allowance and mileage allowance to supplement the compensation of the county coroner.



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By Rep. Blakeney (With Notice and Proof):

H. 707. Relating to Clarke County; providing that the Clarke County Commissioners shall serve full time as such officers.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Langford (With Notice and Proof)(With Amendment):

H. 747. Relating to Montgomery County; providing further for the compensation of the judge of probate.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Newman (With Notice and Proof):

H. 753. Relating to Fayette and Lamar County; establishing a district legislative delegation office in such counties; providing for the operation of such office; and prescribing that the county governing body of each county shall pay a monthly expense allowance, from their respective county treasuries, to the house member representing such counties who shall maintain and account for a separate bank account for the operation of such office.

By Reps. Poole and Manley (With Notice and Proof):

H. 803. Relating to Hale County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Hale County; repealing conflicting laws; and prescribing the effective date of this act.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Moore, Murphy, and Smith (With Notice and Proof) (With Amendment):

H. 815. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilsonville, in Shelby County, to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Wilsonville.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Parker, Martin, and Dutton (With Notice and Proof):

H. 817. Relating to Morgan County; permitting banks authorized to engage in the banking business and having an office or place of business in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Flint, Alabama, for the conduct of a general banking and trust business.

By Rep. Owens (With Notice and Proof):

H. 827. Relating to Bibb County; to provide further for the expense allowance for members of the board of education.

By Rep. Owens (With Notice and Proof):

H. 828. Relating to Bibb County; to amend Section 1 of Act No. 81, H. 530, Regular Session 1977 (Acts 1977, p. 119), relating to the issuance of pistol permits by the sheriff, so as to increase the fees thereof.

By Rep. Owens (With Notice and Proof):

H. 829. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

By Rep. Reed (With Notice and Proof):

H. 836. Relating to Macon County; providing that the members of the board of registrars shall be included in the county insurance program and providing retroactive effect.

By Rep. Reed (With Notice and Proof):

H. 837. Relating to Macon County; to authorize the county governing body to pay an additional expense allowance to the circuit clerk in Macon County; and to give retroactive effect.

By Rep. Reed (With Notice and Proof):

H. 838. Relating to Macon County; providing for an expense allowance for the coroner.

By Rep. Newman (With Notice and Proof):

H. 841. Relating to Fayette County; providing a travel and subsistence expense allowance for the county superintendent of education; specifically repealing Act No. 442, H. 842, 1947 Regular Session (Local Acts 1947, p. 300); and providing that this act shall become effective July 1, 1983.

By Rep. Reed:

H. 845. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Macon County under certain conditions to issue general obligation bonds in not exceeding \$3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the  $\frac{1}{4}$  of 1% ad valorem tax authorized by Section 215 of said constitution to be levied by said county; to provide that none of said bonds shall be chargeable

against the constitutional debt limit of said county; and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Reed:

H. 847. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the City of Tuskegee in Macon County to issue general obligation bonds in not exceeding \$3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the 1¼ % ad valorem tax authorized by Amendment 56 to said constitution to be levied by said city; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said city, and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Browder (With Notice and Proof):

H. 849. Relating to Calhoun County; authorizing the county commission to levy an additional ½¢ sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

By Reps. Poole and Mitchell (With Notice and Proof):

H. 857. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, insects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

By Reps. Coleman and Rains (With Notice and Proof):

H. 860. Relating to Marshall County; to further regulate the appropriation and distribution of Tennessee Valley Authority funds paid in-lieu-of-taxes.

By Reps. Coleman and Rains (With Notice and Proof):

H. 861. To authorize the Marshall County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

By Reps. Coleman and Rains:

H. 862. To propose an amendment to the Constitution to provide that the legislature may, by local law, authorize the county governing body of Marshall County to further promote and provide forest fire protection

within the county, assess in whole or part the cost thereof by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Moore (With Notice and Proof):

H. 874. To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

By Rep. Poole (With Notice and Proof):

H. 885. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Hale County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Hale County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

By Reps. Carothers, Mathis, and Grimsley (With Notice and Proof):

H. 890. Relating to Houston County; to provide for an expense allowance for the members of the county board of education and to repeal certain conflicting laws.

By Rep. Manley (With Notice and Proof):

H. 904. Relating to Marengo County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Marengo County; repealing conflicting laws; providing for a referendum and prescribing the effective date of this act.

By Rep. Manley:

H. 906. To propose an amendment to the Constitution of Alabama of 1901, to levy and collect an additional property tax within the Marengo County School District for public education purposes.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Moore, Murphy, and Smith (With Notice and Proof):

H. 916. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Harper and Clikas:

H. 63. To amend Section 9-12-54.5 of the Code of Alabama 1975, relating to shrimping by persons other than licensed bait shrimp dealers, so as to provide further for the catching of shrimp by such persons.

By Reps. Harper and Clikas:

H. 68. To amend section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

By Rep. Richardson:

H. 585. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

By Reps. Mathis, Manley, and Browder:

H. 279. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Junkins, Coleman, Albright, Brooks, Johnson (A.L.), Laird, Wilson, Browder, Thornton, Mathis, Campbell, and Lewis:

H. 724. To amend Sections 36-30-1 and 36-30-20, Code of Alabama 1975, which provide for compensation for death or disability of certain law enforcement personnel, and Section 36-21-8, Code of Alabama 1975, which provides for the retention of badges and pistols upon retirement by certain law enforcement personnel, so as to include officers of the Department of Industrial Relations within these provisions.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harvey (With Notice and Proof):

H. 729. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayden, in Blount County.

By Rep. Blakeney (With Notice and Proof):

H. 692. To authorize the establishment of branch banks in Clarke County.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Hettinger and Albright:

H. 741. To reverse the numbers of House Districts 21 and 20 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session, 1983, approved February 23, 1983.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Dutton:

H. 690. To require the Alabama Department of Conservation and Natural Resources to enter into an agreement with the U.S. Forest Service to expand the boundaries of the existing Black Warrior Wildlife Management Area; and to provide further for the marking of, management of, and hunting on the expanded area.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 468. To provide a statement of public policy and legislative intent underlying its enactment; to provide that the measure of damages in any civil action for the unauthorized extraction, severance, injury or removal of coal from land performed in good faith shall be the fair market value of the coal in place before severance as of the time of extraction, severance, injury or removal; to provide that the measure of damages in all other civil actions for the unauthorized extraction, severance, injury or removal of coal shall be the fair market value of the coal after severance, at the time and place of severance, without allowance for labor and expenses; to provide for its retro-active application; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

Also:

S. 97. To amend Section 7-9-204 of the Code of Alabama, 1975, relating to security agreements in connection with after-acquired property and future advances so as to provide that as relates to agriculture, a security agreement may provide that any and all obligations covered by the security agreement are to be secured by after-acquired collateral including without limitation all seed and all crops and the seed and agricultural products from any such crops growing or crops to be grown, whether they become such more or less than one year after the security agreement is executed and whether the security agreement is given in conjunction with a lease, a land purchase or improvement transaction or not.

JOHN W. PEMBERTON,

Clerk.

### FURTHER CONSIDERATION OF S. B. 58

The Senate proceeded to further consideration of the Report of Committee on Conference to reconcile the differences between the two Houses on the Bill, S. B. 58.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, and

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House Joint Resolutions, your signature thereto is requested.

H. 133. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriate necessary funds.

Also:

H. 323. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to \$25.00; to require annual renewal permit fees of \$25.00 for associations; to provide that annual renewal fees are payable for branch offices.

Also:

H. 395. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

Also:

H. 626. To amend Sections 34-29-20, 34-29-21, 34-29-23, and 34-29-41, Code of Alabama 1975, relating to the Board of Veterinary Medical Examiners, so as to provide for an executive secretary and to delete references to the secretary-treasurer.

Also:

H. J. R. 380. COMMENDING THE EMPLOYEES OF THE CIBA-GEIGY CORPORATION'S McINTOSH, ALABAMA, PLANT.

Also:

H. J. R. 432. EXPRESSING THE LEGISLATURE'S APPRECIATION TO THE UNIVERSITY OF SOUTH ALABAMA AND TO THE MOBILE AND BALDWIN COUNTY DELEGATIONS.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS AND RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 437. HONORING MS. MARY J. HANSEN UPON RECEIVING THE DISTINGUISHED TEACHING ACHIEVEMENT AWARD.

Also:

H. J. R. 445. MOURNING THE UNTIMELY DEATH OF JOE R. SIMMONS OF JASPER, ALABAMA.

Also:

H. J. R. 446. HONORING JUDGE JAMES C. BROTHERTON OF JASPER, ALABAMA.

Also:

H. J. R. 447. MOURNING THE DEATH OF DAVIS SMITH "SON" HUMPHRIES OF JASPER, ALABAMA.

Also:

H. J. R. 449. COMMENDING MAYOR RALPH W. SEARS OF MONTEVALLO, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 523. To authorize local city and county boards of education to establish reasonable compensation plans for members.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF S. B. 58

The Senate proceeded to further consideration of the Report of the Committee on Conference to reconcile the differences between the two Houses on the Bill, S. B. 58.

Senator Cabaniss moved that further consideration of the Report of the Committee on Conference be postponed until the Twenty-Ninth Legislative Day.

On motion of Senator deGraffenried, the motion to postpone was laid on the table.

On motion of Senator deGraffenried, the Senate concurred in and



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adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

Yeas 27; Nays 2.

*Yeas:*

Senators:	Bishop	Foshee	Mitchem	
Aldridge	Boyington	Hilliard	Parsons	
Amari	Cooley	Holmes	Pearson	
Bachus	Corbett	Keener	Proctor	
Bailey	deGraffenried	Kirkland	Smith (B)	
Bedford	Denton	Little	Smith (J)	
Bedsole	Figures	Menton	Teague	—27

Nays: Senators: Harrison and Robertson —2

And said Bill, S. B. 58, as thus amended, was again read a third time at length as required by the Constitution and passed.

Yeas 28; Nays 2.

Abstaining 1.

*Yeas:*

Senators:	Cooley	Foshee	Mitchem	
Aldridge	Corbett	Hilliard	Parsons	
Bachus	Covington	Holmes	Pearson	
Bailey	deGraffenried	Keener	Proctor	
Bedford	Denton	Kirkland	Smith (B)	
Bedsole	Dixon	Little	Smith (J)	
Bishop	Figures	Mitchell	Teague	
Boyington				—28

Nays: Senators: Harrison and Robertson —2

Abstaining: Senator Cabaniss —1

**RECESS**

At 2:45 P.M., Senator Little moved that the Senate take a recess until 3:15 P.M.

Senator Teague offered a substitute motion that the Senate take a recess subject to the call of the Chair, which motion was adopted.

The recess period having expired, the Senate was called to order by President Pro Tempore Teague. A quorum of the Senate was present.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 288. **RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-eighth legislative day of the 1983 Regular Session only:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 536	Parole notice	184
H. B. 237	Approp. for Walker County Jr. College	152
H. B. 238	Approp. for Tuskegee Inst.	152
H. B. 239	Approp. for Talledega College	153
H. B. 240	Approp. for Marion Military Inst.	153
H. B. 241	Approp. for Lyman Ward Military Academy	154
H. B. 245	Education Budget	157
H. B. 24	Child Pornography	109
H. B. 105	Food Stamp Bill	110
H. B. 329	Mobile Home VCC form	174
S. B. 94	Municipal election bill	125
H. B. 56	Children's Trust Fund	144
H. B. 57	Children's Trust Fund	119
H. B. 681	Health care service plans	172
S. B. 425	Early retirement	100
H. B. 494	Raises fees of Funeral Directors	111

On motion of Senator Bishop, the Resolution was adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 110. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

having been postponed on the Twenty-Sixth Legislative Day, was again taken up.

Senator Mitchell requested and received permission to substitute the following Bill:

H. 191. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

in place of S.B. 110.

And said Bill, H. B. 191, was read a third time at length and passed.

Yeas 15; Nays 0.

Yeas:

Senators:	Denton	Keener	Mitchem	
Bachus	Dixon	Little	Proctor	
Bailey	Goodwin	Menton	Smith (J)	
Cabaniss	Harrison	Mitchell	Teague	—15

Nays:

—0

The President Pro Tempore of the Senate declared a quorum present but not voting.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 379. COMMENDING DR. HENRY PORTER ORR FOR OUTSTANDING SERVICE TO AUBURN UNIVERSITY.

Also:

H. J. R. 378. COMMENDING THE ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES ON THE OCCASION OF THE DEPARTMENT'S 100th ANNIVERSARY.

Also:

H. J. R. 358. COMMENDING MR. WALLACE LEE SMITH, JR., PROMINENT HOUSTON COUNTY EDUCATOR.

Also:

H. J. R. 348. COMMENDING DR. THOMAS K. HEARN, JR., UPON HIS APPOINTMENT AS PRESIDENT OF WAKE FOREST UNIVERSITY.

Also:

H. J. R. 346. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 343. COMMENDING THE BIRMINGHAM NEWS FOR ITS INITIATION OF "PROJECT HELP!"

On motion of Senator Denton, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 185. CONGRATULATING BURDICK-WEST MEMORIAL HOSPITAL ON BECOMING ACCREDITED IN 1983 BY THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

On motion of Senator Denton, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 335. CONGRATULATING JESSE BROWN OF ARAB, ALABAMA ON BECOMING CHAIRMAN OF THE ALABAMA HOSPITAL

ASSOCIATION FOR THE YEAR 1983-1984.

Also:

H. J. R. 341. COMMENDING COMMUNITY HOSPITAL OF TALLASSEE.

Also:

H. J. R. 396. COMMENDING THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA ON THE ESTABLISHMENT OF "PROJECT DOCTOR'S CARE."

Also:

H. J. R. 332. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 329. MOURNING THE DEATH OF MR. JAMES R. GAVIN OF MOBILE, ALABAMA.

Also:

H. J. R. 334. COMMENDING THE JOINT COMMISSION ON ACCREDITATION ON HOSPITALS.

Also:

H. J. R. 337. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

On motion of Senator Denton, the Resolutions were then concurred in and adopted by the Senate.

### **MOTION TO INDEFINITELY POSTPONE ALL SENATE BILLS ON CALENDAR**

Senator Mitchell moved that at the end of this Legislative Day, further consideration of all Senate Bills remaining on the Calendar be indefinitely postponed, which motion was adopted.

### **RULE 36 SUSPENDED**

On motion of Senator Bedford, Rule 36 was suspended to allow transmittal to the House of the Bill, S. B. 410.

### **REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 192. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Also:

S. J. R. 238. EXPRESSING LEGISLATIVE INTENT AND PUBLIC POLICY THAT OFFSHORE ENVIRONMENTAL RULES BE CONSISTENT WITH, BUT NOT MORE STRINGENT THAN, FEDERAL OFFSHORE ENVIRONMENTAL REGULATIONS.

Also:

S. J. R. 268. COMMENDING MRS. LONIA M. GILL UPON HER RETIREMENT AS EXECUTIVE SECRETARY OF THE WOMAN'S HOME AND OVERSEAS MISSIONARY SOCIETY OF THE A.M.E. ZION DENOMINATION.

Also:

S. J. R. 278. CONGRATULATING THE ALABAMA MEDICAL RECORD ASSOCIATION.

Also:

S. 97. To amend Section 7-9-204 of the Code of Alabama, 1975, relating to security agreements in connection with after-acquired property and future advances so as to provide that as relates to agriculture, a security agreement may provide that any and all obligations covered by the security agreement are to be secured by after-acquired collateral including without limitation all seed and all crops and the seed and agricultural products from any such crops growing or crops to be grown, whether they become such more or less than one year after the security agreement is executed and whether the security agreement is given in conjunction with a lease, a land purchase or improvement transaction or not.

Also:

S. 191. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

Also:

S. 468. To provide a statement of public policy and legislative intent underlying its enactment; to provide that the measure of damages in any civil action for the unauthorized extraction, severance, injury or removal of coal from land performed in good faith shall be the fair market value of the coal in place before severance as of the time of extraction, severance, injury or removal; to provide that the measure of damages in all other civil actions for the unauthorized extraction, severance, injury or removal of coal shall be the fair market value of the coal after severance, at the time and place of severance, without allowance for labor and expenses; to provide for its retroactive application; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

CHARLES BISHOP,  
Chairperson.

### **SIGNING OF BILLS AND RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate,

signed the foregoing Bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### RESOLUTIONS

Senator Little offered the following Senate Joint Resolution, to-wit:

**S. J. R. 289. COMMENDING AUBURN UNIVERSITY COACH MEL ROSEN, DEAN OF SOUTHEASTERN CONFERENCE TRACK COACHES.**

WHEREAS, as head coach of Auburn University's track teams for the past 20 of his 28-year Auburn University tenure, Coach Mel Rosen is Dean of Southeastern Conference Track Coaches; and

WHEREAS, prominently posted in Auburn's sports annals, Coach Rosen's record reveals 51 SEC outdoor champions, 37 indoor champions and a phenomenal dual meet record of 69-21-1; and

WHEREAS, he also has coached 69 All-Americans, directed Auburn to four consecutive SEC Indoor Championship Titles from 1977-1980, and his Tigers have finished no lower than third in the SEC in 11 of the past 20 seasons; and

WHEREAS, Coach Rosen was selected Coach of the Year by both the SEC and NCAA in indoor and outdoor competition in 1978, the same year Auburn finished 2nd at the NCAA Indoor Championships; and

WHEREAS, the Auburn University Tigers, under his leadership, have finished in the Top Ten in the NCAA Championships, both indoors and outdoors, for five consecutive years, 1977-1981; and

WHEREAS, Coach Rosen, who is a New York native and a graduate of the University of Iowa, is a past president of the United States Track Coaches Association and has managed the U. S. track team at the 1979 Pan-American Games and the 1977 University Games in Bulgaria among others; he currently serves as Chairman of the Olympic Development Committee; and

WHEREAS, further, the first Alabama Annual Sports Festival, held July 16, 1983, on the Auburn University Campus, was coordinated by Coach Rosen; the event serves as a first-phase for Alabama athletes to qualify for the Olympics through participation in the National Sports Festival from which U. S. Olympic teams are selected; and

WHEREAS, as a result of Coach Rosen's national recognition for his accomplishments at Auburn, he has been selected to coach the sprint and relay teams for the XXIII Olympiad in Los Angeles; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That in great pride of his accomplishments, we hereby most highly commend Auburn University Head Track Coach Mel Rosen on his outstanding career.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be presented to Coach Rosen in small token of our regard and in deep appreciation for his contributions to the Auburn University Track Program.

On motion of Senator Little, the rules were suspended and the Resolution was adopted by the Senate.

Senator Kirkland offered the following Senate Resolutions, to-wit:

S. R. 290. COMMENDING MR. BERT HAWK UPON HIS RETIREMENT.

Also:

S. R. 291. COMMENDING MR. NOEL TEDDER UPON HIS RETIREMENT.

Which were adopted.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 292. COMMENDING DR. ROBERT MORRIS MAYBERRY FOR OUTSTANDING ACHIEVEMENT.

Also:

S. R. 293. COMMENDING MR. C.V. BEASLEY, JR., OF FLORENCE FOR OUTSTANDING SERVICE AS TAX COLLECTOR, LAUDERDALE COUNTY, ALABAMA.

Also:

S. R. 294. COMMENDING MR. RAYMOND ROBERTS, PROMINENT ATHENS, ALABAMA, BUSINESSMAN AND CIVIC LEADER.

Also:

S. R. 295. COMMENDING MR. ROBERT A. BALLARD OF ATHENS, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 296. COMMENDING MRS. PEGGY L. KILLEN OF FLORENCE FOR OUTSTANDING SERVICE AS LICENSE COMMISSIONER, LAUDERDALE COUNTY, ALABAMA.

Also:

S. R. 297. COMMENDING MR. A. SELTON KILLEN OF FLORENCE FOR OUTSTANDING SERVICE AS COUNTY COMMISSIONER, LAUDERDALE COUNTY, ALABAMA.

Also:

S. R. 298. COMMENDING MR. RONNIE OWENS OF ROGERSVILLE FOR OUTSTANDING SERVICE AS COUNTY COMMISSIONER, LAUDERDALE COUNTY, ALABAMA.

Also:

S. R. 299. COMMENDING MRS. PEGGY CLAY OF FLORENCE, ALABAMA.

Also:

S. R. 300. COMMENDING MR. BOBBY McCORMICK OF FLORENCE FOR OUTSTANDING SERVICE AS COUNTY COMMISSIONER, LAUDERDALE COUNTY, ALABAMA.

Also:

S. R. 301. COMMENDING MR. JOSEPH R. AUSTIN OF FLORENCE FOR OUTSTANDING SERVICE AS TAX ASSESSOR, LAUDERDALE COUNTY, ALABAMA.

Also:

S. R. 302. COMMENDING MR. JAMES R. COBB OF FLORENCE, ALABAMA, EX OFFICIO PRESIDENT, TRI-COUNTY BRANCH, NAACP.

Also:

S. R. 303. COMMENDING MR. LARRY JOEL HAYES OF FLORENCE FOR OUTSTANDING SERVICE AS COUNTY COMMISSIONER, LAUDERDALE COUNTY, ALABAMA.

Which were adopted.

Senator Little offered the following Senate Resolutions, to-wit:

S. R. 304. COMMENDING MRS. ELMA KNOWLES LINDSAY, FORMER AUBURN UNIVERSITY HOUSEMOTHER.

Also:

S. R. 305. COMMENDING DR. GEORGE BLAKE, RETIRED AUBURN UNIVERSITY PROFESSOR.

Which were adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 84. Relating to Jefferson County and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County and from the general funds of the State of Alabama; and making the provisions of this Act retroactive to June 1, 1982.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clikas:

H. 665. To make legislative findings regarding the need to create a new source of financing for the development and expansion of small businesses in the State; to define the particular terms used in the substantive provisions of this Act; to provide for and authorize the incorporation by the Governor, the Director of Finance, the State Treasurer and the Chairman of the Small Business Advisory Council of the Alabama Small Business Assistance Corporation, as a public corporation and instrumentality of the State, upon the filing of an application with the Secretary of State; to provide for and authorize the certificate of incorporation of such corporation to be amended at any time and from time to time; to provide for a board of directors of such corporation; to provide for the officers of such corporation and the election thereof; to provide for the general powers to be exercised by



such corporation and the conditions under which such powers may be exercised; to empower such corporation to acquire projects for lease or sale to certain users; to empower such corporation to make loans to certain users; to empower such corporation to make loans to, and purchase loans from, certain financial institutions; to empower such corporation to acquire authorized purpose obligations created in connection with projects operated by certain users; to empower such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes and bonds; to prescribe certain terms and conditions upon which such corporation may sell and issue its notes and bonds; to authorize such corporation to pledge its revenues and mortgage or assign its assets as security for its notes and bonds; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by such corporation; to provide that the notes and bonds and all other obligations of such corporation shall not constitute or create a debt of the State or any county, municipality or other political subdivision or agency thereof; to provide that the notes and bonds of such corporation shall constitute negotiable instruments; to provide for the creation of special reserve funds and such other funds as may be necessary or desirable for the corporate purposes of such corporation; to provide for the refunding, by the issuance and sale of refunding bonds, of any notes or bonds theretofore issued or obligations theretofore assumed by such corporation; to provide that the notes and bonds of such corporation may be used for the investment of trust and other fiduciary funds; to exempt from all taxation in the State (i) the property, corporate activities, revenues and income of such corporation, (ii) certain transactions or actions to which such corporation is a party or in which it may have been involved and (iii) the property and the notes and bonds of such corporation and the income from such notes and bonds; to exempt such corporation from all laws of the State governing usury or prescribing or limiting interest rates, which exemption shall apply to any payment by any user pursuant to any lease, sale contract, loan agreement or authorized purpose obligation; to exempt such corporation and its contracts from all laws of the State requiring competitive bids; to provide for the liberal construction of the provisions of this Act; to provide that such corporation shall be a not-for-profit corporation; to provide for the dissolution of such corporation and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Also:

By Reps. Rains, Reed, Casey, Preuit, Turnham, Coleman, Laird, Johnson (RG), Blake, Grimsley, Hammett, White (L), Mathis, Carothers, Owens, Drinkard, Martin, Layton, Seibels, Howard, Smith, Clark, Thornton and Holmes:

H. 768. To amend section 16-33-4, Code of Alabama 1975, relating to the Educational Benefits for Dependents of Blind Parents so as to eliminate the family income monetary restrictions used to determine the dependents' eligibility for nonpayment of instructional tuition or fees.

Also:

By Reps. Rains, Martin, Adams, Grimsley, Preuit, Layton, Carothers, and McMillan:

H. 785. To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

Also:

By Reps. Sasser, Johnson (Roy), Casey, Blake, Holley, Blakeney, Turnham, Waggoner, Moore, White (L), Richardson, Minus, Howard, Owens, Rice, Thomas, Mitchell, Harper, and Poole:

H. 491. To amend Sections 40-22-1 and 40-22-2, Code of Alabama, 1975, as amended, which relate to recordation tax on certain instruments received for record in the probate offices of this state, so as to provide further for the rates of such taxes and the commissions allowed for the collection of such recordation taxes.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 665. To the Committee on Small Business.

H. B.'s 768 and 785. To the Committee on Buildings and Grounds.

H. B. 491. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 233. To provide that teachers and principals in each school shall develop a plan for the expenditure of instructional materials and supply funds and to provide that such funds shall be allocated to the individual schools in each county and city by the board of education.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Bailey, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 233, the title of which is set out in the foregoing Message from the House, to-wit:

### HOUSE AMENDMENT TO S. B. 233

Amend Senate Bill 233 in Section 2, page 2, line 6, by striking the word "plan" and inserting in lieu thereof the word:

budget

### HOUSE AMENDMENT TO S. B. 233

Amend S. B. 233, page 1, line 18, by deleting the word plan and inserting in lieu thereof the following: budget

Further amend S. B. 233, on page 1, line 33, after the word "a" by striking plan and inserting in lieu thereof the following: budget

Further amend S. B. 233, on page 1, line 35, after the word "a" by striking plan and inserting in lieu thereof the following: budget

Further amend S. B. 233, on page 1, line 34 before the word "instructional" insert the word for

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Kirkland	Pearson
Aldridge	Cooley	Little	Robertson
Bailey	Denton	Menton	Smith (J)
Bedsole	Dixon	Mitchell	Teague
Boyington	Keener	Mitchem	—18

Nays: —0

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 84. Relating to Jefferson County and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County and from the general funds of the State of Alabama; and making the provisions of this Act retroactive to June 1, 1982.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

Senator Aldridge requested and received permission to suspend the Rules in order to bring up the Bill:

S. 453. Relating to elections; to provide for a short title; to state legislative intent; to define the meaning of terms used in this Act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state, county or municipal office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this Act; to provide for the registration of political committees (including the principal campaign committee of each candidate); to require that political committees established by corporations bear the name of the corporation; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to exempt candidates receiving or expending less than \$1,000 from certain provisions of the Act; to prohibit the intimidation of voters, certain expenditures to influence voting, the deprivation of employment or other benefit for political activity, the publication or

distribution of certain political statements, any contribution in the name of another, fraudulent misrepresentations of campaign authority, fraudulent campaign advertising, and coercion of contributions; to provide penalties for the violation of the provisions of the act; to require that certificates of election be withheld under certain circumstances; to repeal Chapter 22 of Title 17 of the Code of Alabama, 1975; and to provide severability and effective dates.

Senator Pearson offered the following substitute for the Bill, S. B. 453, to-wit:

### SUBSTITUTE FOR S. B. 453

#### A BILL TO BE ENTITLED AN ACT

To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-16-6, Code of Alabama 1975, is hereby amended to read as follows:

“§ 17-16-6.

“Primary elections, except special primary elections and presidential preference primaries, held at the expense of the state or counties, shall be held on the first Tuesday after the first Monday in September June. When necessary, as provided in this chapter, a second or runoff primary election shall be held on the third fourth Tuesday next thereafter following said primary election. Any second primary shall be held by the same election officers who held the first primary, and be held at the same places as the first primary election. No primary shall be held by any political party except as herein provided. Primary elections herein provided for shall be held at the regular polling places established for the purpose of holding general elections.”

Section 2. The provisions of this Act shall become effective June 5, 1984, and thereafter.

Which was adopted.

Yeas 15; Nays 0.

Yeas:

Senators:	deGraffenried	Little	Proctor	
Bedford	Denton	Mitchem	Robertson	
Cabaniss	Foshee	Parsons	Smith (J)	
Cooley	Goodwin	Pearson	Teague	—15

Nays: —0

And said Bill, S. B. 453, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Parsons
Aldridge	deGraffenried	Goodwin	Pearson
Amari	Denton	Little	Proctor
Bedford	Dixon	Menton	Smith (J)
Bishop	Figures	Mitchell	Teague

—19

Nays: —0

On motion of Senator Pearson, Rule 36 was suspended to allow transmittal of the above Bill, S. B. 453.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 299. To amend Section 16-8-26, Code of Alabama 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for early retirement for unused accrued sick leave.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Senator Dixon, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 299, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 299

Amend Senate Bill 299 on page 2, lines 12-14, by striking out Section 2 in its entirety and substituting in lieu thereof the following:

"Section 1 (a) of this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law."

"Section 1 (b) shall become effective October 1, 1984."

Yeas 22; Nays 0.

Yeas:

Senators:	Covington	Harrison	Mitchem
Amari	Denton	Holmes	Proctor
Bachus	Dixon	Keener	Smith (B)
Bedford	Figures	Little	Smith (J)
Bishop	Foshee	Menton	Teague
Cooley	Goodwin	Mitchell	

—22

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 296. To provide for fair dismissal procedures for non-teachers and

non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the State's Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

Said Governor's Message being in words and figures as follows, to-wit:

### MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from Governor George C. Wallace returning House Bill # 296, as substituted and amended, without the Governor's signature and approval and with the following suggested Executive Amendment.

Done this 22nd day of July, 1983.

Respectfully submitted,

ELVIN L. STANTON,  
Executive Secretary.

### MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill # 296 as substituted and amended, without my signature and approval and with the following suggested Executive Amendment:

### EXECUTIVE AMENDMENT TO H. B. 296 AS LAST SUBSTITUTED AND AMENDED

Amend H. B. 296, as last substituted and amended, beginning on page four line one by deleting all of Section 6 and 7 and substituting therefore the following:

#### "Section 6. Appellate Process to Contest Termination.

An appeal of the decision of the employing board may be filed by the employee within fifteen (15) days of receipt of the board's decision by mailing a notice to the superintendent of education and/or president of the junior/technical or community college or institution. Upon receipt of the request, the employing board and the employee may (1) mutually agree upon a person to hear the employee's appeal or (2) select a panel of three persons, one selected by the employing board, and another selected by the employee and a third agreed upon by the two parties listed herein above which shall

constitute an employee review panel to hear the employee's appeal. If there is no agreement on the selection of a third member within ten (10) days following the selection of the second member, the Probate Judge of the county in which the dispute originated shall submit the names of three individuals who are qualified electors of that same county who, in the Probate Judge's opinion, would be qualified through their experience and training to render a fair and impartial decision as the third member of the employee review panel and said persons selected for membership on the employee review panel shall not be currently employed in the field of education. From these three names, the employing board shall then strike the first name and the employee shall strike the second name with the person whose name remains becoming the third member of the employee review panel.

Section 7. Hearing Process.

Upon the employee review panel's selection to hear a case, the panel shall within ten (10) days establish a date, place, and time for the hearing to be conducted. The date of such hearing shall in no case be later than sixty (60) days following the decision of the employing board. Upon the completion of a de novo hearing, the panel's decision must be rendered within forty-five (45) days. The parties shall have the right of counsel or representation of their choosing. In making its decision, the panel shall consider whether the action of the board or its administrative staff was arbitrary or unjust or for political or personal reasons on the part of any member of the board or its staff and whether the board's action was warranted based upon the facts of the case and the employment record of the employee. The decision of the panel shall be final and binding upon the parties. Expenses and fees of the employee review panel shall be shared equally by the board and employee. On page six, line four, delete the word hearing officer and substitute the words employee review panel. On page six, line sixteen delete the words hearing officer and substitute the words employee review panel. On page one, line thirteen delete the words a system of hearing examiners and substitute the words an employee review panel.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Done this 22nd day of July, 1983.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of those voting, said vote being: Yeas 82, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of those voting, and said vote being: Yeas 80, Nays 5.

And said Bill, H. 296, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE AND GOVERNOR'S MESSAGE**

On motion of Senator Goodwin, the Senate concurred in and adopted

the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 296, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Covington	Keener	Parsons	
Bachus	Denton	Kirkland	Proctor	
Bailey	Dixon	Little	Robertson	
Cooley	Goodwin	Mitchell	Smith (B)	
Corbett	Holmes	Mitchem	Teague	—19

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 296, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Senators:	Covington	Holmes	Mitchem	
Bachus	Denton	Keener	Parsons	
Bedford	Foshee	Kirkland	Proctor	
Bishop	Goodwin	Little	Robertson	
Cooley	Harrison	Mitchell	Teague	
Corbett				—20

*Nays:* —0

which was a majority of the whole number elected to the Senate.

### RESOLUTION

Senator Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 306. ENDORSING THE ERECTION OF THE MEMORIAL OF THE FRATERNAL ORDER OF POLICE.

WHEREAS, law enforcement officers of the State of Alabama and its cities and counties are charged with the duty and responsibilities of protecting the lives and the property of the citizens and visitors of this State, and

WHEREAS each day the law enforcement officers of this State face bodily harm and possible death while carrying out their duties, and

WHEREAS each year a number of our law enforcement officers pay the supreme sacrifice while lawfully performing their duties of protecting the lives of law abiding citizens from the criminal element, and

WHEREAS the State of Alabama has never recognized these fallen heroes with a lasting memorial, and

WHEREAS the Fraternal Order of Police, Alabama State Lodge, wishes to erect a permanent memorial to their brothers who gave their lives in the line of duty, and

WHEREAS the Fraternal Order of Police wishes to erect a monument on the Alabama State Capitol grounds, and

WHEREAS the monument erected will be of such design that it will



complement the Capitol and Capitol grounds, and

WHEREAS such monument will be erected at a location to be approved by the Governor of the State of Alabama and the committee on Building and Grounds and the Fraternal Order of Police.

NOW THEREFORE be it resolved that this Alabama State Legislature 1983 Regular Session endorses and approves of the Fraternal Order of Police erecting this memorial to the law enforcement officers of the State of Alabama who have given their lives while in the lawful performance of their duties.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE GOVERNOR

To the Alabama Senate  
State Capitol  
Montgomery, Alabama 36130

RE: S. 93

Lady and Gentlemen:

I transmit herewith a Message from Governor George C. Wallace, returning Senate Bill # 93. This Bill is returned without the Governor's signature and approval but with the following suggested Executive Amendment.

Done this 18th day of July, 1983.

Respectfully submitted,

ELVIN L. STANTON,  
Executive Secretary.

### MESSAGE FROM THE GOVERNOR

To the Alabama Senate  
State Capitol  
Montgomery, Alabama 36130

RE: S. B. 93

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill #93, without my signature and approval but with a suggested Executive Amendment which would make this Bill acceptable.

The Bill as presented allows appointments to the Personnel Board by the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives, in addition to an elected member from the ranks of state employees. The Bill further requires all appointed members to be appointed with the consent of the Senate. This could likely result in a very awkward situation in that the Senate would have to approve an appointment by its own presiding officer and the Senate would also have to approve an appointment by the Speaker of the House of Representatives. Although non-concurrence would not be expected in either of these events, circumstances could exist in future years which would make this a very undesirable situation. Also, I feel that this jeopardizes the historical integrity of a total separation between the House and Senate.

I believe an even larger problem exists with the Bills, as presented to

me, with regard to current uncertainty over terms of office of current members and beginning dates of terms of office of new members. It would appear that the date for the beginning/ending of terms was inadvertently left out or was inadvertently not otherwise provided for in the Amendment.

For these reasons, and for other related reasons, I offer the following Executive Amendments:

#### EXECUTIVE AMENDMENT TO S. B. 93

Amend S. B. 93, beginning on page one, Section 1, line twenty-four, after the character "(a)" by deleting this entire subsection through and including page two, line sixteen, and substitute therefore, the following:

"The State Personnel Board shall consist of five persons, as follows:

Two persons appointed by the Governor, one of them whose term shall expire on February 1, 1985, and one of them whose term shall expire on February 1, 1986, one person appointed by the Speaker of the Alabama House of Representatives, whose term shall expire February 1, 1987, one person appointed by the Lieutenant Governor of the State of Alabama, whose term shall expire February 1, 1988, and one person who shall be a classified employee elected as hereinafter provided, whose term shall expire February 1, 1989. (b). The terms of the present members of the State Personnel Board shall end on the last day of August, 1983. The new members of the Personnel Board shall begin their terms on September 1, 1983. If any vacancy occurs on the Board, or at the expiration of the original terms therein above established, such vacancies shall be filled by the original appointing authority, for said position. After the expiration of these original terms herein above outlined, all subsequent terms shall be for six years, except for appointments to fill unexpired terms, which shall expire on the same date their predecessor's term expired. Each member shall be required to take the Constitutional oath of office before entering upon their duties. The Board shall designate one of its members as chairman. Three members of the Board shall constitute a quorum for the transaction of business. Each member shall be a person over nineteen years of age, of recognized character and ability, shall have been a bona fide resident and qualified voter of this State for not less than five years and shall not, when appointed nor for three years then last passed before the date of his appointment, have held elected public or party office nor have been a candidate for such office. No two appointed members of said Personnel Board shall be appointed from any one Congressional District of the State. A member of the Board may be removed from office for the same causes and by the same procedures as provided by the Constitution and Statutes of Alabama for impeachment of sheriffs. Each member of the Board shall receive a per diem of \$50.00 and expenses for attendance upon meeting of the Board. No member shall receive total compensation in excess of \$1,200.00 per annum, excluding expenses and excluding compensation received for attendance upon trial of charges preferred against employees as provided in this article."

Amend Section 1, page two, subsection (b), line eighteen, after the word "employees" and the period "." by deleting "For his original term, he shall serve a six-year term" and substitute therefore, as follows:

"For his or her original term, they shall serve until February 1, 1989, and thereafter elected members shall serve six-year terms."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Done this 18th day of July, 1983.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

**GOVERNOR'S MESSAGE**

On motion of Senator Mitchell, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 93. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for such procedures.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 23; Nays 0.

*Yeas:*

Senators:	Cooley	Holmes	Parsons	
Aldridge	Corbett	Kirkland	Proctor	
Amari	Denton	Little	Robertson	
Bachus	Foshee	Menton	Smith (B)	
Bedsole	Goodwin	Mitchell	Smith (J)	
Bishop	Harrison	Mitchem	Teague	—23

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 93, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

Yeas 21; Nays 0.

*Yeas:*

Senators:	Dixon	Kirkland	Parsons	
Aldridge	Foshee	Little	Robertson	
Amari	Goodwin	Menton	Smith (B)	
Bedsole	Harrison	Mitchell	Smith (J)	
Bishop	Holmes	Mitchem	Teague	—21
Cooley	Keener			

*Nays:* —0

which was a majority of the whole number elected to the Senate.

**MESSAGE FROM THE GOVERNOR**

To the Alabama Senate  
State Capitol  
Montgomery, Alabama 36130

Lady and Gentlemen:

I transmit herewith a Message from Governor George C. Wallace returning Senate Bill #369 without the Governor's signature and approval

and with the following suggested Executive Amendment.

Done this 22nd day of July, 1983.

Respectfully submitted,  
ELVIN L. STANTON,  
Executive Secretary.

### MESSAGE FROM THE GOVERNOR

To the Alabama Senate  
State Capitol  
Montgomery, Alabama 36130

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill Number 369, without my signature and approval and with the following suggested Executive Amendment:

On page one, line nine, delete the word "and."

On page one, line eleven, delete the period (.) and add the words "; and to appropriate necessary funds."

On page three, line one, delete the words "governor's office" and add the words "Commission on Aging."

After Section 6, add a new Section as follows:

"Section 7. There is hereby appropriated from the State General Fund the sum of \$25,000 to the Senior Citizens Hall of Fame for the fiscal year ending September 30, 1984 to implement the provisions of this act."

Renumber all subsequent sections accordingly.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 22nd day of July, 1983.

### GOVERNOR'S MESSAGE

On motion of Senator Amari, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 19; Nays 0.

**REGULAR SESSION  
28th Day**

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*Yeas:*

<b>Senators:</b>	<b>Figures</b>	<b>Kirkland</b>	<b>Proctor</b>	
<b>Aldridge</b>	<b>Foshee</b>	<b>Little</b>	<b>Robertson</b>	
<b>Amari</b>	<b>Goodwin</b>	<b>Menton</b>	<b>Smith (B)</b>	
<b>Bachus</b>	<b>Holmes</b>	<b>Mitchem</b>	<b>Smith (J)</b>	
<b>Cooley</b>	<b>Keener</b>	<b>Parsons</b>	<b>Teague</b>	<b>—19</b>

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 369, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

Yeas 23; Nays 0.

*Yeas:*

<b>Senators:</b>	<b>Cooley</b>	<b>Holmes</b>	<b>Parsons</b>	
<b>Amari</b>	<b>Denton</b>	<b>Keener</b>	<b>Pearson</b>	
<b>Bachus</b>	<b>Figures</b>	<b>Kirkland</b>	<b>Robertson</b>	
<b>Bailey</b>	<b>Foshee</b>	<b>Little</b>	<b>Smith (B)</b>	
<b>Bedsole</b>	<b>Goodwin</b>	<b>Menton</b>	<b>Smith (J)</b>	
<b>Cabaniss</b>	<b>Harrison</b>	<b>Mitchem</b>	<b>Teague</b>	<b>—23</b>

*Nays:* —0

which was a majority of the whole number elected to the Senate.

**BILLS ON THIRD READING RESUMED**

Senator Foshee requested and received permission to suspend the Rules in order to bring up the Bill:

H. 450. To provide for and regulate through licensure and registration the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General, or the District Attorney of any county of the State of Alabama; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

The Standing Committee on Buildings and Grounds reported the following amendment to the Bill, H. B. 450, to-wit:

**COMMITTEE AMENDMENT TO H. B. 450**

Amend H. B. 450 by deleting in its entirety the House amendment and substitute in lieu thereof the following:

“Amend H. B. 450 on page 10, line 14 by striking the word “seven” and in lieu thereof and inserting the word: “five” and to remove the word “seventh” on line 15 of the same page and insert in lieu thereof the word: “fifth”.

Further amend H. B. 450 on page 10, line 25 by striking the word “seven” and inserting in lieu thereof the word: “five” and by striking the word “seventh” on line 26 of the same page and inserting in lieu thereof the word: “fifth”.

Further amend H. B. 450 by changing Section 2(2)h, page 8, beginning on line 15 and ending on line 16 to read as follows:

“provide that the obligor therein will pay to-the-extent-of up to

\$100,000.00 the aggregate sum of all any judgment or judgments which may be recovered."

Further amend H. B. 450 by changing Section 9(a)(3), page 15, line 19 to read as follows:

"casualty property insurance at the seller's expense for the"

Further amend H. B. 450 by changing Section 20(a), page 32, lines 28 and 29 to read as follows:

"will pay to the extent of up to \$5,000.00 or \$10,000.00, respectively, the aggregate sum of all any judgments which may be recovered against"

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Little	Robertson	
Bailey	Figures	Mitchell	Smith (B)	
Bishop	Goodwin	Parsons	Smith (J)	
Boyington	Harrison	Pearson	Teague	
Cooley	Kirkland	Proctor		—18

Nays: —0

And said Bill, H. B. 450, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Senators:	Cooley	Little	Proctor	
Bachus	Foshee	Menton	Robertson	
Bailey	Goodwin	Mitchell	Smith (B)	
Bedsale	Holmes	Mitchem	Smith (J)	
Boyington	Kirkland	Pearson	Teague	
Cabaniss				—20

Nays: —0

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 276. NOTING THE 100TH ANNIVERSARY OF THE HENRYVILLE UNITED METHODIST CHURCH.

Also:

S. J. R. 255. CONGRATULATING MR. CALVIN C. OTTO ON RECEIVING THE DISTINGUISHED SERVICE AWARD OF THE ALABAMA HOSPITAL ASSOCIATION.

Also:

S. J. R. 263. HONORING AND DESIGNATING LANCE QUALMANN, A MEMBER OF JACK ZORN'S NATIONAL LADS TO

**LEADERS SPEAKER TEAM, AN ALABAMA AMBASSADOR OF GOODWILL.**

On motion of Senator Mitchell, the Resolutions were then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. J. R. 252. MOURNING THE DEATH OF MR. HERBERT P. FEIBELMAN, JR., PROMINENT MOBILE ATTORNEY.**

On motion of Senator Bedsole, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 427. COMMENDING AND CONGRATULATING THE WALKER COLLEGE ACADEMIC BOWL TEAM.**

On motion of Senator Mitchell, the Resolution was then concurred in and adopted by the Senate.

**BILLS ON THIRD READING RESUMED**

Senator Little requested and received permission to suspend the Rules in order to bring up the Bill:

**H. 275.** To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

And said Bill, H. B. 275, was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

<b>Senators:</b>	<b>Cooley</b>	<b>Goodwin</b>	<b>Mitchem</b>
<b>Bailey</b>	<b>Covington</b>	<b>Kirkland</b>	<b>Proctor</b>
<b>Bedsole</b>	<b>Denton</b>	<b>Little</b>	<b>Smith (J)</b>
<b>Boyington</b>	<b>Dixon</b>	<b>Menton</b>	<b>Teague</b>
<b>Cabaniss</b>	<b>Foshee</b>	<b>Mitchell</b>	

—18

*Nays:* —0

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 431. COMMENDING DR. CATHERINE STEINMITZ AMOS ON BEING SELECTED AS OPTOMETRIST OF THE YEAR BY THE ALABAMA OPTOMETRIC ASSOCIATION.**

Also:

**H. J. R. 430. COMMENDING THE REVEREND W. LAURENS HUDSON OF MONTGOMERY, ALABAMA.**

Also:

H. J. R. 424. COMMENDING DR. JAMES F. VICKREY, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 393. COMMENDING HOWARD J. TURNER, JR., FOR OUTSTANDING LEADERSHIP.

On motion of Senator Mitchell, the Resolutions were concurred in and adopted by the Senate.

### BILLS ON THIRD READING RESUMED

Senator Proctor requested and received permission to suspend the Rules in order to bring up the Bill:

H. 231. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

And said Bill, H. B. 231, was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Mitchem
Aldridge	Corbett	Holmes	Proctor
Bailey	Denton	Little	Robertson
Bedsale	Dixon	Menton	Smith (J)
Boyington	Foshee	Mitchell	Teague
Cabaniss			

—20

Nays:

—0

Senator Bailey requested and received permission to suspend the Rules in order to bring up the Bill:

H. 148. To amend Section 39-1-1, Code of Alabama, 1975, so as to expedite settlements with contractors performing contracts of less than \$10,000.00 in amount; to provide procedures for payment of final settlements of such contracts upon completion and full compliance with the terms of the said contract.

The Standing Committee on Judiciary reported the following substitute for the Bill, H. B. 148, to-wit:

### COMMITTEE SUBSTITUTE FOR H. B. 148

#### A BILL TO BE ENTITLED AN ACT

To amend Section 39-1-1, Code of Alabama 1975, so as to expedite settlements with contractors performing contracts of less than \$10,000.00 in amount; to provide procedures for payment of final settlements of such contracts upon completion and full compliance with the terms of the said contract.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 39-1-1, Code of Alabama 1975, is amended to read as follows:



"§39-1-1. Bonds required of persons, firms, etc., contracting with state or political subdivision thereof for repair, construction, etc., of public buildings, works, etc.; commencements, etc., of actions upon bond by persons, firms, etc., supplying labor, materials, etc., to contractor; giving of notice of completion of project by contractor and final settlement; applicability of provisions of section.

"(a) Any person, firm or corporation entering into a contract with the state or any county or municipal corporation or subdivision thereof in this state for the repair, construction or prosecution of any public buildings or public work, highways or bridges shall be required, before commencing such work, to execute a performance bond, with penalty equal to 100 percent of the amount of the contract price, and, in addition thereto, another bond with good and sufficient surety, payable to the state, county or municipal corporation or subdivision letting the contract, in an amount not less than 50 percent of the contract price, with the obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor, materials or supplies for or in the prosecution of the work provided for in such contract and for the payment of reasonable attorneys' fees incurred by successful claimants or plaintiffs in civil actions on said bond.

"(b) Any person, firm or corporation that has furnished labor, materials or supplies for or in the prosecution or repair of any public building or public work, highways or bridges and payment for which has not been made shall be authorized to institute a civil action upon said bond in his or their name or names and to have their rights and claims adjudicated in such civil action and judgment entered thereon; provided, that no civil action shall be instituted on said bond until after 45 days' written notice to the surety thereon of the amount claimed to be due and of the nature of the claim. Such civil action shall be commenced not later than one year from the date of final settlement of said contract. The giving of said notice by registered or certified mail, postage prepaid, addressed to the surety at any of its places of business or offices shall be deemed sufficient under this section. In the event the surety or contractor fails to pay such claim in full within 45 days from the mailing of such notice, then such person or persons shall be entitled to recover of the contractor and surety, in addition to the amount of said claim, a reasonable attorney's fee, together with interest on such claim from the date of such notice.

"Every person or persons having a right of action on said last described bond as provided in this section shall, upon written application to the authority under the direction of whom such work has been prosecuted, setting out that labor, material, foodstuffs or supplies for such work have been supplied by him or them and that payment therefor has not been made, be promptly furnished a certified copy of said additional bond and contract. Such claimant shall be authorized to bring civil action on said bond in the county in which the work provided for in said contract is to be performed or in any county where the contractor or his surety does business, for his or their use and benefit against said contractor and his surety or either of them.

"In addition to any other legal mode of service, service of summons and other process in civil actions brought in the county where the work is let or done may be had on the contractor or the surety on the last described bond by leaving a copy of the summons and complaint or other pleading or process with the director of the highway department, if the contract be a state highway contract, or with the executive officer of the city, town, board, com-

mission or authority letting the contract or charged with the payment of the contract price, if the contract is not a state highway contract. The bond last described shall have a provision binding the principal contractor and surety to the mode of service above described and consenting that such service shall be the same as personal service on the contractor or surety.

"Immediately on service being made on the director of the highway department or executive officer of a city, town, board, commission or authority, it shall be the duty of such director or executive officer to immediately mail a copy of such process to the contractor and surety at the address given in the bond.

"(c) This section shall not require the taking of bond to secure contracts of less than \$1,000.00 in amount.

"(d) The contractor shall immediately after the completion of the contract give notice of said completion by an advertisement in some newspaper of general circulation published within the city or county wherein the work has been done for a period of four successive weeks. In no instance shall a final settlement be made upon the contract until the expiration of 30 days after the completion of same. Proof of publication of said notice shall be made by the contractor to the authority by whom the contract was made by affidavit of the publisher and a printed copy of the notice published. If no newspaper is published in the county where the work is done, the notice may be given by posting at the courthouse for 30 days, and proof of same shall be made by the probate judge or sheriff and the contractor."

Provided, however, that the requirements of this subsection shall not apply to contractors performing contracts of less than \$10,000.00 in amount and the governing body of the contracting agency, so as to expedite final payment, shall cause notice of final completion of such contract to be published one time in a newspaper of general circulation, published in the county of the contracting agency, if any, and shall post notice of final completion of the agency's bulletin board for one week and shall require the contractor to certify under oath that all bills have been paid in full. Final settlement with such contractor may be made at any time after the notice shall have been posted for one entire week.

Section 2. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0

Yeas:

Senators:	Cooley	Holmes	Mitchem	
Aldridge	Denton	Kirkland	Proctor	
Bailey	Dixon	Little	Robertson	
Bedsole	Foshee	Menton	Smith (J)	
Cabaniss	Goodwin	Mitchell	Teague	—19

Nays: —0

And said Bill, H. B. 148, as thus amended by the substitute, was read a third time at length and passed.

Yeas 18; Nays 0.

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*Yeas:*

Senators:	Cabaniss	Holmes	Proctor
Aldridge	Cooley	Little	Robertson
Bailey	Corbett	Menton	Smith (J)
Bedsole	Denton	Mitchell	Teague
Boyington	Foshee	Parsons	

—18

*Nays:* —0

Senator Foshee requested and received permission to suspend the Rules in order to bring up the Bill:

H. 286. Prescribing certain procedures for distribution of revenues to counties and municipalities by state agencies.

And said Bill, H. B. 286, was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Cabaniss	Foshee	Proctor
Aldridge	Cooley	Holmes	Robertson
Bailey	Corbett	Little	Smith (J)
Bedsole	deGraffenried	Menton	Teague
Boyington	Denton	Mitchem	

—18

*Nays:* —0

Senator Foshee then requested and received permission to suspend the Rules in order to bring up the Bill:

H. 297. To provide that the victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government which initiated such prosecution; to provide further that the victim of a criminal offense not be prevented by operation of rule of court, statute or other law from attending any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense; to provide further that whenever a victim is unable to attend trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted the victim, pursuant to the provisions of this bill; to further provide that a victim of a criminal offense shall be exempt from the witness exclusion rule.

And said Bill, H. B. 297, was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Corbett	Kirkland	Proctor
Bedford	deGraffenried	Little	Robertson
Bedsole	Denton	Menton	Smith (B)
Boyington	Foshee	Mitchem	Smith (J)
Cabaniss	Holmes	Pearson	Teague
Cooley	Keener		

—21

*Nays:* —0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Penry and McMillan:

H. 551. To appropriate to the State Board of Chiropractic Examiners from its separate fund in the General Fund of the State Treasury \$10,000 for the purpose of the general operation of that Board for the fiscal year ending September 30, 1983 in addition to any and all other appropriations heretofore or hereafter made to the Board of Chiropractic Examiners; and to provide for an effective date.

Also:

By Rep. Johnson (Roy):

H. 868. To amend Section 12-15-6, Code of Alabama 1975, so as to specifically provide that a juvenile court judge may delegate authority to perform certain judicial and quasi-judicial actions to the juvenile court referee in the absence of the juvenile court judge or at any time that the judge feels such delegation to be necessary to the efficient operation of the court and to provide an effective date.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 551. To the Committee on Finance and Taxation.

H. B. 868. To the Committee on Judiciary.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 422. COMMENDING AND HONORING JUDGE VAL L. McGEE.

On motion of Senator Denton, the Resolution was then adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 850. To amend the "Council-Manager Act of 1982", so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the form of government originally prescribed in this act or an alternate

form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the four districts into which the city is divided, by the qualified electors of the districts, respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of government hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 850. To the Committee on Governmental Affairs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Martin:

H. 230. To amend Section 6-5-332, Code of Alabama 1975, which provides exemptions from civil liability for certain persons under particular circumstances, so as to exempt from liability those persons providing assistance in mitigating the effects of a discharge of hazardous materials.

Also:

By Rep. Johnson (Roy):

H. 807. To amend Code §22-6-4.2, Copayment for prescription drugs, to conform to the requirements of the Medicaid provisions of Public Law 97-248, the Tax Equity and Fiscal Responsibility Act of 1982.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 230. To the Committee on Commerce, Transportation, and Utilities.

H. B. 807. To the Committee on Health and Welfare.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 63. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and disposition of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended.

Also:

S. 69. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on state business.

Also:

S. 90. To amend Section 4 of Act No. 83-75 adopted at the First Special Session of 1983 of the Legislature of Alabama to provide for the refunding thereunder of any warrants issued by a county for the purpose of erecting necessary public buildings, bridges and roads.

Also:

S. 224. To amend Section 8-21-5, Code of Alabama 1975, relating to franchise agreements between retailers engaged in the business of selling farm implements, and certain other farm equipment or parts, and wholesalers, manufacturers or distributors therefor, so as to provide further for the items exempt from the repurchase requirements.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 46. To change the name of the Civil Defense Department to the State of Alabama Emergency Management Agency.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. White (L), Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes,

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Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby:

H. J. R. 453. COMMENDING OUR COLLEAGUE REPRESENTATIVE RICK MANLEY OF DEMOPOLIS.

Also:

By Reps. White (L), Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby:

H. J. R. 454. COMMENDING OUR COLLEAGUE REPRESENTATIVE BOBBY C. CROW OF ANNISTON.

Also:

By Reps. White (L), Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), Wilson, Wright and Zoghby:

H. J. R. 455. COMMENDING OUR COLLEAGUE REPRESENTATIVE NOLAN WILLIAMS OF NEWTON.

Also:

By Reps. Waggoner, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant,

Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 456. COMMENDING JEAN ELKINS CHENAULT FOR HER OUTSTANDING WORK FOR THE STATE OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Mitchem, the Rules were suspended and the Resolution, H. J. R. 453, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Little, the Rules were suspended and the Resolution, H. J. R. 454, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolutions, H. J. R.'s 455 and 456, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 188. To amend Sections 40-6-1, 40-6-3, 40-6-4, and 40-6-5, Code of Alabama 1975, so as to reduce the minimum requirements for qualification as supernumerary official created in said Sections, reduce the benefits payable for the minimum qualifications with a step increase to the maximum benefit provided for additional years service, to remove certain limitations, to increase the contribution paid in by officials participating in such program, and to establish a deadline for electing to participate in the program.

Also:

S. 227. To create a preretirement death benefit program which shall be effective to all employees covered under the Teachers' Retirement System of Alabama and the Employees' Retirement System of Alabama and to provide for the administration thereof. To give the boards of control authority to provide said death benefit in the form of group life insurance upon determination that to do so would generate a more favorable tax treatment to the beneficiaries to whom said benefit is payable, and to provide for the implementation of said program. To further provide and define the corporate powers and status of the Teachers' Retirement System and the Employees' Retirement System.



Also:

S. 239. To provide further for the expenses of the president and associate commissioners of the Alabama Public Service Commission.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 533. To amend the "Council-Manager Act of 1982", so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the form of government originally prescribed in this act or an alternate form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the four districts into which the city is divided, by the qualified electors of the districts, respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of government hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Martin:

H. 180. To amend Section 11-46-21, Code of Alabama 1975, so as to provide that regular municipal elections shall be held on the second Tuesday of July of each year in which the term of office of the mayor or a member of the governing body shall expire unless provided otherwise by law.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 180. To the Committee on Governmental Affairs

**RECESS**

At 6:10 P.M., on motion of Senator Proctor the Senate took a recess until 8 o'clock P.M.

The recess period having expired, the Senate was called to order by President Pro Tempore Teague. A quorum of the Senate was present.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 536. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government, a council-manager form of government, or a federal court-ordered district-commission form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provisions of this act.

was taken up.

Senator Bedsole offered the following substitute for the Bill, S. B. 536, to-wit:

**SUBSTITUTE FOR S. B. 536****A BILL  
TO BE ENTITLED  
AN ACT**

Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government, a council-manager form of government, or a district-commission form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to any Class 2 municipality in the State of Alabama.

Section 2. Upon the effective date of this Act, the mayor or chief executive officer of any city to which this act applies shall call a special election to be held on the date of the general election in November, 1983, or on November 8, 1983 if no general election is held in November, 1983, said call for the purpose of determining whether such city shall adopt the mayor-council form of government, a council-manager form of government, or a district-commission form of government authorized by this Act, and shall give notice of the time and purpose of such election by publication once each week for four consecutive weeks in a newspaper published in said city. All qualified electors of such city may participate in said election, as provided by this Act, and such questions shall be plainly printed upon the ballot as provided by law. The election shall be conducted, the expenses paid, the votes canvassed and the results declared in the same manner as is or may be provided by law in other city elections. The proposal for which the majority of the votes cast shall be "yes," or in favor of such proposition shall thereby be adopted for such city, and the mayor or other chief executive officer shall transmit to the governor, to the secretary of state, and to the judge of probate of the county, each certificate stating that such proposition was adopted for such city.

Section 3. At such election the proposition to be submitted shall be printed in plain prominent type on ballots separate and distinct from ballots used for any other office or question and shall read as follows: "Check one of the following: (1) Shall the Mayor-Council form of government, as provided herein, be adopted for the City of \_\_\_\_\_? Yes; or (2) Shall the Council-Manager form of government, as provided in the applicable sections of Sections 11-43A-1 through 11-43A-52, Code of Alabama 1975, be adopted for the City of \_\_\_\_\_? Yes; or (3) Shall the district-commission form of government be adopted for the City of \_\_\_\_\_? Yes."

The voter shall mark his ballot with a cross mark after the proposition which expresses his choice. If voting machines are used at any voting place in such election, the above proposition may, at the discretion of the election commission or other body or official having charge of the conduct of municipal elections in such city, be submitted as a separate proposition on voting machines so used.

Section 4. The election shall be held and conducted in accordance with the provisions of Title 11, Article 2, Chapter 46, Code of Alabama 1975, as amended, or Title 11, Chapter 43A, Code of Alabama 1975, as the case may be, except as herein otherwise specifically provided. If the majority of the votes shall be in favor of the mayor-council form of government, then only the applicable provisions of this Act shall thereby be adopted for such city; if the majority of the votes shall be in favor of the council-manager form of government then the applicable provisions of Chapter 43A of Title 11 of the Code of Alabama 1975 shall thereby be adopted for such city; if the majority of the votes shall be in favor of the district-commission form of government, then the provisions of said plan shall thereby be adopted for such city and the election commission or other canvassing board or official shall transmit to the Governor, to the secretary of state, to the judge of probate of the county in which any such city is located, and to the chief executive officer of such city, a certificate stating which proposition was adopted by such city. If none of the three wins a clear majority, another election shall be held between the two top vote getters, two weeks from the date of the first election. The expenses of any and all elections provided for in this act shall be paid by the city.

Section 5. If a majority of the qualified electors voting in the election provided herein choose a mayor-council form of government, the following provisions of this act shall be applicable.

Section 6. The mayor or chief executive officer of such city shall call an election to be held on April 10, 1984 for the election by the qualified voters of such city of eight council members, seven to be elected by districts and one elected at large, and a mayor, and the expense thereof shall be paid by such city.

Section 7. Council candidates shall qualify as provided by law and shall have the qualification and eligibility set forth herein. Each voter in the election may cast one vote for a candidate from his or her district, one vote for the councilman at large candidate, and one vote for a candidate for mayor. Any district councilman candidate receiving a majority of the total votes cast from the district in which he or she is a candidate shall be elected as a district councilman in his or her district. The at large candidate receiving a majority of the total votes cast for the place for which he or she is a candidate shall be elected as the councilman at large. In the event that, in any district, a district councilman candidate should fail to receive such a majority, then and in that event, another election shall be held upon the

same day of the week three weeks thereafter to be called and held in the same mode and manner and under the same rules and regulations. In the second election there shall be two candidates for each place upon the council to be filled in such second election; and these candidates shall be the ones who received the highest number of votes but who were not elected at the first election. The candidate or candidates for the council receiving the highest number of votes cast in the second election shall be elected, so that in the first and second elections only eight councilmen shall be elected. Regular municipal elections shall be held quadrennially thereafter under the same rules and regulations and in the same mode and manner herein provided. The councilmen so elected shall take office on the third Monday in May following the election. Each councilman shall hold office for four years, but shall serve until his or her successor shall have qualified. A councilman may succeed himself or herself in office.

Section 8. The candidate for mayor receiving the largest number of votes for the office at the first election shall be elected thereto, provided such candidate receives a majority of all votes cast for such office. If at the first election no candidate received a majority of the votes cast for the office of mayor at such election, then another election shall be held upon the same day of the week three weeks thereafter to be called and held in the same mode and manner and under the same rules and regulations. In the second election there shall be two candidates for the office of mayor; and these candidates shall be the two who received the highest number of votes for said office at the first election.

Section 9. The first mayor shall qualify and take office in the manner hereinafter prescribed. The first mayor shall take office on the third Monday in May following the election and shall serve for four years. The regular election for mayor shall be held quadrennially thereafter under the same rules and regulations and in the same mode and manner herein provided. The mayor elected at such regular election shall, upon assuming office, qualify by making oath that he or she is eligible for said office and will execute the duties of same according to the best of his or her knowledge and ability. Said oath may be administered by any person authorized to administer an oath under the laws of Alabama. A mayor may succeed himself or herself.

Section 10. The council members provided for in this act shall be known collectively as the council of the City of \_\_\_\_\_ (inserting the name of any city to which this act applies) and shall have the powers and duties hereinafter provided. The eight council members first elected shall qualify and take office in the manner hereinafter prescribed on the third Monday in May following the election.

Section 11. When this mayor-council form of government becomes applicable to a city, said city shall continue its existence as a body corporate under its same name. The word "city" as hereinafter used shall mean and refer to a city to whom this mayor-council form of government becomes applicable. The city shall continue as a municipal corporation, within the corporate limits as now established and as may hereafter be fixed in the manner prescribed by law, subject to all duties and obligations then pertaining to or incumbent upon it as a municipal corporation and shall continue to enjoy all the rights, immunities, powers and franchises then enjoyed by it, as well as those that may thereafter or hereinafter be granted to it.

Section 12. The municipal government of any such city proceeding under this act shall be known as the "Mayor-Council form of government."

Pursuant to the provisions and limitations of this act and subject to the limitations imposed by the Constitution of Alabama and its laws, all powers of the city shall be vested in the council elected as herein provided and hereinafter referred to as "the council," which shall enact ordinances, adopt budgets and determine policies. All powers of the city shall be exercised in the manner prescribed by this act, or if the manner be not prescribed, then in such manner as may be prescribed by law or by ordinance.

Section 13. The city shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of this state, together with all the implied powers necessary to carry into execution all the powers granted, and the provisions of this act.

Section 14. The council shall include one at large member and seven members who shall be known and elected as district council members. Such district council members shall be elected from districts which shall be, as near as practicable, of equal population according to the last federal decennial census. The seven districts shall be as follows:

District 1 shall consist of:

In Mobile Division,

Mobile City:

Census Tract 6

Blocks 101-104 only;

Census Tracts 7.01, 7.02, 8, 26, 27;

Census Tract 34.01, except Blocks 109, 111, 114, 119;

Census Tract 34.02 p, Blocks 101-128 only;

Census Tract 39.01 p;

Census Tract 39.02 p;

Census Tract 61 p,

Block 212 p only;

District 2 shall consist of:

In Mobile Division,

Mobile City:

Census Tracts 1, 2, 3, 4.01, 4.02, 5;

Census Tract 6, except Blocks 101-104;

Census Tract 9.01, Blocks 108-114, Block 119, Block Group 2,  
Blocks 301, 309, 312, 319;

Census Tract 9.02, Block Groups 1 and 2;

Census Tract 10.01;

Census Tract 10.02, Blocks 102-113, 115, 116, Blocks 202-205, 208-  
216, 302-305, Block Group 5;

Census Tract 12.01 p;

Census Tract 12.02, Block Group 1, Blocks 201-213, Block 229;

Blocks 244-250; Blocks 906-924;

Census Tracts 12.99, 38.01, 38.02 p, 38.99, 43 p;

Census Tracts 44 p, 49 p, 52 p, 53 p, 54 p, 56 p;

District 3 shall consist of:

In Mobile Division,

Mobile City:

Census Tract 9.03;

Census Tract 10.02, Blocks 101, 114, 201, 206; 207, 217, 301,

Blocks 306-312, Block Group 4;

Census Tracts 11, 12.02, except Block Group 1; Blocks 201-213,  
229, 244-250, 906-924;

Census Tracts 13.01, 13.02, 14, 15.01, 15.02, 16;

Census Tract 17, Block Group 2 only;

Census Tract 18, Block Group 1 only;

Census Tract 23.02;

Census Tract 24, Block Group 1, Block Group 2, Blocks 301-303,  
Blocks 311, 312, 401, 402, 404;

District 4 shall consist of:

In Mobile Division,

Mobile City:

Census Tract 17, Block Group 1, Block Group 3;

Census Tract 18, Block Group 2, Block Group 3;

Census Tracts 19.01, 19.02, 20, 21, 22, 23.01, 30, 31;

District 5 shall consist of:

In Mobile Division,

Mobile City:

Census Tract 9.01, Blocks 101-104, 115, 117, 118, Blocks 302-308,  
315, 317, 318;

Census Tract 9.02, Block Group 3 only;

Census Tract 24, Blocks 305-310; Blocks 403, 404-412,

Block Group 5, Block Group 6;

Census Tracts 25.01, 25.02, 28, 29, 32.01, 33.01;

Census Tract 33.02, Block Group 4 only;

District 6 shall consist of:

In Mobile Division,

Mobile City:

Census Tracts 32.02, 32.03, 35.02;

Census Tract 36.03, except Blocks 204-208, Blocks 214-220;

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Census Tracts 37.01, 37.02;

Census Tract 68 p, Block 230 p only;

District 7 shall consist of:

In Mobile Division,

Mobile City:

Census Tract 33.02, Block Groups 1, 2, 3, 5;

Census Tract 34.01 p, Blocks 109, 111, 114, 119;

Census Tract 34.02 p, Blocks 129-132;

Census Tracts 34.03, 34.04, 34.05, 34.06, 35.01;

Census Tracts 36.01, 36.02;

Census Tract 36.03, Blocks 204-208, Blocks 214-220.

The election shall be held on April 10, 1984, the expense thereof to be paid by said city, for the election by the qualified voters of such city of eight council members. Such election shall be held and conducted in accordance with the provision of Title 11, Articles 1 and 2, Chapter 46, Code of Alabama 1975, as amended.

Section 15. (a) Any person desiring to become a candidate in any election for the office of district or at large council member may become such candidate by filing in the office of the city clerk, a statement in writing as required by municipal election laws. Said statement shall be accompanied by a qualifying fee in the amount of \$125.00, which fee shall be paid into the general fund of the city, except as provided herein. No primary election shall be held for the nomination of candidates for the office of council member, and candidates shall be nominated only as hereinabove provided. A person may also become a candidate for the office of council member by filing a verified pauper's oath with the city clerk, or by filing a verified petition containing an endorsement of candidacy by the signatures and addresses of 500 persons, each of whom is a registered voter residing in the city within the district for which the individual intends to be a candidate for election of office, or by the signatures and addresses of 2,000 persons, each of whom is a registered voter residing in the city for the at large candidate, provided that no such signature may be obtained more than 12 months preceding the deadline for filing said statements.

Section 16. Every person who shall be elected or appointed to fill a vacancy to the office of member of council shall, upon assuming office, qualify by making oath that he or she is eligible for said office and will execute the duties of same according to the best of his or her knowledge and ability. Said oath may be administered by any person authorized to administer an oath under the laws of the state of Alabama.

Section 17. Councilmen shall be qualified electors of the city, and, in the case of candidates for any district, they shall have been residents of the district which they represent for at least 90 days prior to their election, and shall reside in the district during their terms of office. No councilman shall hold any other public office except that of notary public or member of the national guard or naval or military reserve, and all shall have been residents of the city for at least one year prior to their election. If the councilman shall cease to possess any of these qualifications or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant.

Section 18. Each council member shall receive as compensation for his or her services as such the sum of \$100.00 for each meeting of the council attended, and \$200.00 per month. Such salary shall be payable in monthly installments at the end of each month. The council may fix a separate and additional stipend for the president of the council, not to exceed \$100.00 per month. The mayor and each councilman elected at regular municipal elections for said offices after the expiration of the term of office of the mayor and councilmen elected hereunder shall receive as compensation for their services the sum established by the municipal governing body at least six months prior to the date of the election.

Section 19. The president of the council shall be the at large member. He or she shall serve in his or her respective office during the term for which he or she is elected. If a vacancy shall occur in the office of the president of the council, the council shall elect a successor to the president who shall serve until a new at large member has been elected.

Section 20. All powers of the city, including all powers vested in it by this act, by the laws, general and local, of the state, and by the Code of Alabama 1975, as amended, and the determination of all matters of policy, shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

(a) Upon recommendation of the mayor, establish administrative departments and distribute the work of divisions.

(b) Adopt the budget of the city.

(c) Authorize the issuance of bonds or warrants.

(d) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.

(e) Advise and consent to the mayor's appointments of the members of all boards, commissions, or other bodies authorized hereunder or by law.

(f) Succeed to all the powers, rights and privileges conferred upon the former governing body of the city by statutes in effect at the time of adoption by the city of the mayor-council form of government and not in conflict with this act.

(g) Levy property and license taxes and local improvement assessments.

Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from office, or in any manner take part in the appointment or removal of officers and employees in the administrative service to the city. Except for the purpose of inquiry, the members of the council shall deal with the administrative service only through the mayor. Members of the council shall not give orders to any subordinates of the mayor, either publicly or privately. Any councilman violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilman.

Section 21. Vacancies of any nature in the council other than those occurring less than one year prior to the date of the next regular council election, shall be filled by special elections to be held for that purpose, the dates of which shall be set by the council at the next regular meeting or any subsequent meeting of the council after such vacancy occurs, such dates to be set no later than 120 nor less than 60 days after the occurrence of such vacancies. Such elections shall be held in the same manner and subject to



the same procedures as regular council elections and the person so elected shall hold office for the remainder of the unexpired term. Such election shall be held in conjunction with a general, special or constitutional election, if any falls within the period herein specified; otherwise a special election shall be called by the mayor on the date set by the council and shall be held in accordance with the provisions of this act and the general laws applicable to such city.

If a vacancy occurs after reapportionment has changed the district lines, but before the new districts take effect, the old district lines will remain in effect for filling that vacancy.

Vacancies where less than one (1) year remains of the unexpired term shall be filled by appointment by the mayor with confirmation by the council.

Section 22. The council upon recommendation of the mayor, by ordinance may create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established or continued by this act. The council upon recommendation of the mayor by ordinance may assign additional functions or duties to offices, departments or agencies established by this act, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this act to a particular office, department or agency.

Section 23. The city clerk of the city serving under the merit system at the time that this act becomes effective shall continue to hold office as the city clerk under the mayor-council form of government of such city, and his or her successor shall be selected and hold office subject to the provisions of such civil service or merit system. The council, with the concurrence of the mayor, shall be the appointing authority in filling any vacancy in the office of city clerk. The city clerk shall give notice of special or called meetings of the council, shall keep the journal of its proceedings, shall authenticate by his or her signature and record in full in a book kept for such purpose all ordinances and resolutions and shall perform such other duties as shall be required by this act or by ordinance, and such duties as are imposed by general law of Alabama upon city clerks and as to which other provisions are not made in this act.

Section 24. The first meeting of each newly elected council for induction into office shall be held at ten o'clock in the morning on the third Monday in May after which the council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once a week. All meetings of the council shall be open to the public.

Section 25. The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

Section 26. The council shall determine its own rules and order of business. It shall keep a journal of its proceedings, and the journal shall be open to public inspection.

Section 27. The council shall hold regular public meetings, day or night, each and every week at a regular hour to be fixed by the order of said council from time to time and publicly announced; it may hold such special or other meetings as the business of the city may require. The presence of six council members will constitute a quorum for the conduct of official council business. The president of the council, and the affirmative vote of at

least five members of the council, provided such five constitute a majority of those voting, shall be sufficient for the passage of any resolution, by-law or ordinance, or the transaction of any business of any sort by the said council or the exercise of any of the powers conferred upon it by the terms of this Act or by-law, or which may hereafter be conferred upon it. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, any regulation concerning the public health, or of any other general or permanent nature, except the proclamation of quarantine, shall be enacted except at a regular or special public meeting of said council. Every ordinance introduced at any and every such meeting shall be in writing and shall be read before any vote thereon shall be taken, and the yeas and nays thereon shall be recorded; provided that if the vote of all council members present be unanimous, it may be so stated in the journal without recording the yeas and nays. A record of the proceedings of every meeting of the council shall be kept, and every resolution or ordinance passed by the council must be recorded, and the record of the proceedings of the meeting shall, when approved by the council, be signed by the president of the council and the city clerk. Such records shall be kept available for inspection by all citizens of such city during regular business hours. No ordinance of permanent operation shall be considered at the meeting at which it was introduced except by unanimous consent of all members of the council present, and such unanimous consent shall be shown by the yea and nay votes entered upon the minutes of said meeting; provided, however, that if all members of the council present vote for the passage of the ordinance and their names are so entered of record as voting in favor thereof, it shall be construed as giving unanimous consent to the action upon such ordinance at the meeting at which it is introduced. All ordinances or resolutions of a permanent nature, after having been passed by the council, shall be transmitted by the clerk within 48 hours after their passage to the mayor for his or her consideration, who, if he or she shall approve thereof, shall sign and return the same to the clerk, who shall publish them, if publication thereof is required, and such ordinances and resolutions shall thereupon become effective and have the force of law. Delivery to the office of the mayor shall constitute delivery to the mayor. An ordinance or resolution may be recalled from the mayor at any time before it has become law, or has been acted on by him or her, by a resolution adopted by a majority of the members elected to the council in regular or special session. If the mayor shall disapprove of any ordinance or resolution transmitted to him or her as aforesaid, he or she shall, within 10 days of the time of its passage by the council, return the same to the clerk with his or her objections in writing, and the clerk shall make a report thereof to the next regular meeting of the city council; and if six (6) members elected to the said council shall at said meeting adhere to said ordinance or resolution, notwithstanding said objections, said vote being taken by yeas and nays and spread upon the minutes, then, and not otherwise, said ordinance or resolution shall after publication thereof, if publication is required, have the force of law. If publication of said ordinance or resolution is not required, it shall take effect upon its passage over such veto. The failure of the mayor to return to the city clerk an ordinance or resolution with his or her veto within 10 days after its passage by the council shall operate and have the same effect as an approval of the same, and the city clerk, if publication is required, shall publish the same as is herein provided for publication of laws and ordinances of said city. And if no publication is required, the ordinance or resolution shall become effective upon the expiration of said 10 days. These provisions are subject to the publication of ordinances as set out in Section 11-45-8 of the Code of Alabama 1975. Anything in this section to

the contrary notwithstanding, the mayor shall not have the power of veto over any action of the council relating to an investigation as provided herein.

Section 28. No resolution or ordinance granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares or public way of said city, either in, under, upon, along, through or over same shall take effect and be enforced until 30 days after the final enactment of same by the council and publication of said resolution or ordinance in full once a week for three consecutive weeks in some daily newspaper published in said city or, if no such newspaper exists then by posting in three public notices, which publication shall be made at the expense of the persons, firm or corporation applying for said grant. Pending the passage of any such resolution or ordinance or during the time intervening between its final passage, and the expiration of the 30 days during which publication shall be made as above provided, the legally qualified voters of said city may, by written petition or petitions addressed to said council, object to such grant, and if during such period such written petition or petitions signed by at least 10 percent of the legally qualified voters of the city shall be filed with said council, said council shall forthwith order an election, which shall be conducted by the election commission of the city or other body or official charged with the duty of conducting elections therein, at which election the legally qualified voters of said city shall vote for or against the proposed grant as set forth in the said resolution or ordinance. In the call for said election, the said resolution or ordinance making such grant shall be published at length and in full at the expense of the city in a newspaper published in said city by one publication. If a majority of the votes cast at such election shall be against the passage of said resolution or ordinance, then and in those events, said resolution or ordinance shall not become effective, nor shall it confer any rights, powers or privileges of any kind; otherwise, said resolution or ordinance and said grant shall thereupon become effective as fully and to the same extent as if said election had not been called or held. If, as the result of said election, said resolution or ordinance shall not become effective, then it shall be the duty of said council, after the results of said election shall be determined, to pass a resolution or ordinance to that effect. No grant of any franchise or lease or right of user, or any other right, in, under, upon, along, through or over the streets, public highways, thoroughfares or public ways of any such city, shall be made or given, nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation, except by resolution or ordinance duly passed by the council at some regular or special meeting and published as above provided for in this section; nor shall any extension or enlargement of any such rights or powers previously granted be made or given except in the manner and subject to all the conditions herein provided. It is expressly provided, however, that the provisions of this section shall not apply to the grant of side track or switching privileges to any railroad for the purpose of reaching and affording railway connections, and switch privileges to the owners or users of any industrial plant, store or warehouse; provided, further, that said track or switch shall not extend for a greater distance than 1,320 feet.

Section 29. The council may provide at any time it may deem proper, for the revision and codification of its ordinances, by-laws and permanent resolutions, or for the adoption of a code or codes by ordinance. Such code or codes and the revisions or amendments thereof may relate to the whole system of city by-laws, ordinances and permanent resolutions, or may relate to that portion of such ordinances, by-laws and permanent resolutions

which relate to, affect or purport to govern any particular subject or subjects or subdivisions of municipal legislation. The council shall have full power and authority to prescribe the manner in which said code or codes, revisions or amendments thereto, shall be made public, whether by proclamation of any officer or officers of said city by posting or by publication, one or all, but it shall not be necessary unless so prescribed by the council for such code or codes, revisions or amendments thereto, to be published in a newspaper or newspapers unless such codes, revisions, or amendments include theretofore unpublished substantial changes, in which case such changes along with at least so much of the context thereof as is necessary to convey the meaning of such changes shall be published in accordance with then existing state law. Nor shall it be necessary that such code or codes, revisions or amendments thereto, be spread at length upon the minutes, but they will be noted in the minutes. The council may prescribe that such code or codes, revisions or amendments thereto may be certified by and filed with the city clerk, or other corresponding officer, in lieu of spreading at length the same on the minutes; and the council may prescribe the manner in which copies of such code or codes, revisions or amendments thereto, may be officially certified for use by the inhabitants or by the courts. The council may adopt and provide for the maintenance in a designated office of the city of a comprehensive zone map of the city open for inspection by the public at all reasonable times, and may make such zone map a part of any ordinance by reference thereto in such ordinance and without publication of such zone map in any newspaper. Such zone map need not be in one piece but may for convenience be in sections. A zone map of territory newly added to the city shall be treated as a comprehensive zone map of the city for purposes of application of the provisions of the next preceding sentence. These provisions are subject to the publication and recordation of ordinances as set out in Section 11-45-8 of the Code of Alabama 1975.

Section 30. The Mayor shall each month print in pamphlet form a detailed statement of all receipts and expenses of the city, and a summary of its proceedings during the preceding month, and shall furnish printed copies thereof to the daily newspapers of the city, other members of the news media of the city, and to persons who apply therefor. At the end of each year, the Mayor shall cause a full and complete examination of all the books and accounts of the city to be made by a certified public accountant, or by the state department of examiner of public accounts, and shall cause the result of such examination to be published in the manner above provided for publication of statements of monthly expenditures. Such examination shall not be made more than two years in succession by the same accountant.

Section 31. Any person desiring to become a candidate at any election for the office of mayor may become such candidate by filing in the office of the city clerk a statement in writing of such candidacy, accompanied by an affidavit taken and certified by a notary public that such person is duly qualified to hold the office for which he or she desires to be a candidate. Such statement shall be filed not more than 60 days nor less than 30 days immediately preceding the day set for such election. Said statement shall be accompanied by a qualifying fee in the amount of \$500, which qualifying fee shall be paid into the general fund of the city, or in lieu thereof a person may also become a candidate for the office of mayor by filing a verified pauper's oath with the city clerk, or by filing a verified petition containing an endorsement of candidacy by the signatures and addresses of 2,500 persons, each of whom is a registered voter residing in the city, provided that no such signature may be obtained more than 12 months immediately preced-

ing the deadline for filing said statement of candidacy.

Section 32. The mayor shall be a qualified elector, and shall have been a resident of the city at least six months prior to the election and shall reside within the city during his or her term of office and shall have attained the age of twenty-five years.

Section 33. The mayor shall receive an annual salary in the sum of \$60,000 during the first two years of his or her term of office, which said annual salary shall automatically increase to the sum of \$65,000 for the remaining two years of his or her term of office.

Section 34. Whenever any vacancy in the office of mayor shall occur by reason of death, resignation, removal or any other cause, the president of the council shall assume the duties of the office of mayor effective on the date such vacancy occurs and shall serve as acting mayor until a new mayor is elected and qualified as hereinafter provided. The acting mayor shall receive no compensation, expenses or allowances as a council member while acting as mayor, but he or she will receive the same rate of pay and allowances provided for the mayor whose vacated office he or she fills, and the compensation received for days of service as acting mayor shall not be counted in determining the maximum annual per diem compensation permitted council members. While the president of the council is serving as acting mayor he or she may attend council meetings but may not vote on any matters before the council. The council shall within 10 days of the occurrence of the vacancy in the office of the mayor call a special election to fill such vacancy, such election to be held in accordance with general election laws concerning the filling of municipal vacancies. The successor to the mayor chosen at any such election shall qualify for office as soon as practicable thereafter, and shall be clothed with and assume the duties, responsibilities and powers of such office immediately upon such qualification, and shall hold office for the unexpired term of his or her predecessor and until his or her successor is elected and qualified.

Section 35. The mayor shall be the head of the executive and administrative branches of the city government. He or she may attend council meetings but may not vote in its proceedings and he or she shall have the power and duties herein conferred. The mayor shall be responsible for the proper administration of all affairs of the city, and except as otherwise provided herein, he or she shall have the power and shall be required to:

(1) Enforce all laws and ordinances.

(2) Appoint and remove, when necessary for the good of the service, all officers and employees of the city except those appointed by the council. Such appointment and removal of personnel are subject to any merit system provisions in effect at such time, except for those officers and employees who are exempted from the merit system by other sections of this Act.

(3) Appoint the members of all boards, commissions or other bodies authorized hereunder or by law pursuant to Article 4 of title 11 of the Code of Alabama 1975.

(4) Exercise administrative supervision and control over all departments created by this act or by law or hereafter created by the council, except those otherwise given independent status under this Act.

(5) Keep the council fully advised as to the financial conditions and needs of the city; prepare and submit the budget annually to the council and be responsible for its administration after its adoption; prepare and

submit, as of the end of the fiscal year, a complete report on the financial and administrative activities of the city for such year.

(6) Recommend to the council such actions as he or she may deem desirable.

(7) Prepare and submit to the council such reports as may be required of him or her.

(8) Perform such other duties as may be prescribed by this Act.

(9) Fix the salaries or compensation of all officers and employees of the city who are appointable by the mayor, subject, however, to the provisions of any civil service or merit law applicable to the city.

Section 36. There shall be a department of finance and such other departments as may be established by ordinance upon the recommendation of the mayor.

Section 37. At the head of each department there shall be a director, appointed by and removable by the mayor with the approval of a simple majority vote of the council, who shall be an officer of the city and shall have supervision and control of the department. Said director shall not be subject to the provisions of the merit system. Two or more departments may be headed by the same individual. The mayor may head one or more departments, and directors of departments may also serve as chiefs of divisions.

Section 38. The work of each department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the mayor. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the mayor among specific divisions thereof, the mayor may establish temporary divisions.

Section 39. The mayor is hereby authorized to employ such additional personnel who shall serve at the pleasure of the mayor, and for such purposes an additional \$50,000.00 per annum shall be made available for the salaries of such personnel from the city treasury. Said personnel shall not be subject to the provisions of the merit system. This section shall not limit the authority of said mayor to appoint other employees of said city under civil service or otherwise where authorized by any other law.

Section 40. The fiscal year of the city government shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this Act, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Section 41. On a day to be fixed by the council but in no case later than the 20th day of August in each year, the mayor shall submit to the council:

- (1) A separate current revenue and expense budget for the general operation of the city government, to be known as the "general fund budget";
- (2) A budget for each public utility owned and operated by such city;
- (3) A capital budget; and
- (4) A budget message.

When submitting the budgets to the council, the mayor shall submit his or

her recommendation of new sources of revenue or manner of increasing existing sources of revenue, sufficient to balance the budgets, if such additional revenue is necessary to accomplish that purpose.

Section 42. It shall be the duty of the head of each department, and each other office or agency supported in whole or in part by the city, to file with the director of finance, at such time as the mayor may prescribe, estimates of revenue and expenditures for that department, office or agency for the ensuing fiscal year. Such estimates shall be submitted on the forms furnished by the director of finance and it shall be the duty of the head of each department, office or agency, to supply all the information which the director of finance may require to be submitted thereon. The director of finance shall assemble and compile these estimates and supply such additional information relating to the financial transactions of the city as may be required by the mayor in the preparation of the budgets. The mayor shall hold such hearings as he or she may deem advisable and with the assistance of the director of finance shall review the estimates and other data pertinent to the preparation of the budgets and make such revisions in such estimates as he or she may deem proper, subject to the laws of the state of Alabama and any municipal ordinance relating to obligatory expenditures for any purpose.

Section 43. The general fund budget shall include for each public utility within the city only the net amounts estimated to be received from or to be appropriated to each public utility. The general fund budget shall be prepared in accordance with accepted principles of municipal accounting and budgetary procedures and techniques, and shall show:

(1) Such portion of the general fund cash surplus as it is estimated will exist, at the end of the current fiscal year, and is proposed to be used for meeting expenditures in the general fund budget for the ensuing year;

(2) an estimate of the receipts from current ad valorem taxes on real estate and tangible personal property during the ensuing fiscal year, assuming that the percentage of the levy collected be no greater than the average percentage of the levy collected in the last three completed tax years;

(3) an estimate of receipts from all other sources of revenue, provided that the estimated receipts from each such source shall not exceed the percentage of estimated revenue in the current fiscal year from the same source over the amount of the revenue received from the same source in the last completed fiscal year, unless a law or ordinance under which revenue from any source is derived, has been amended or a new source of revenue has been provided by law or ordinance, in the course of the current year, in which case the estimated receipts from that source may be fixed by the mayor. If additional revenue is to be derived from the state, the amount fixed by the mayor shall not exceed the amount which the proper state official shall certify in writing to be the reasonable expectation of receipts from such source;

(4) a statement to be furnished by the director of finance of the debt service requirements for the ensuing year;

(5) an estimate of the general fund cash deficit, if any, at the end of the current fiscal year and of any other obligations required by law to be budgeted for the ensuing fiscal year;

(6) an estimate of expenditures and appropriations for all other purposes to be met from the general fund in the ensuing fiscal year. All the estimates shall be in detail showing receipts by sources and expenditures by

operating units, character and object, so arranged as to show receipts and expenditures as estimated for the current fiscal year and actual receipts and expenditures for the last fiscal year, in comparison with estimated receipts and recommended expenditures for the ensuing fiscal year.

Section 44. In no event shall the expenditures recommended by the mayor in the general fund budget exceed the receipts estimated, taking into account the estimated cash surplus or deficit at the end of the current fiscal year, as provided in the preceding section hereof, unless the mayor shall recommend an increase in or levy of new or increased taxes or licenses within the power of the city to levy and collect in the ensuing fiscal year, the receipts from which, estimated on the basis of the average experience with the same or similar taxes during the three full tax years last past, will make up the difference. If estimated receipts exceed estimated expenditures, the mayor may recommend revisions in the tax and license ordinances of the city in order to bring the general fund budget into balance. The same balanced budget restrictions shall apply in the adoption of any public utility budget.

Section 45. The budget message shall contain the recommendations of the mayor concerning the fiscal policy of the city, a description of the important features of the budget plan, an explanation of all changes in each budget submitted, as to estimated receipts and recommended expenditures as compared with the current fiscal year and the last preceding fiscal year, and a summary of the proposed budgets showing comparisons similar to those required herein.

Section 46. The mayor shall cause the budget message to be printed, mimeographed or otherwise reproduced for general distribution at the time of its submission to the council and sufficient copies of the proposed general fund, public utility and capital budgets to be made, to supply copies to each member of the council and each daily newspaper of general circulation published in the city and all other members of the news media in the city, and two copies to be deposited in the office of the city clerk where they shall be open to public inspection during regular business hours.

Section 47. At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget, and shall cause to be published a notice of the place and time, not less than seven days after the date of publication, at which the council will hold a public hearing. Publication shall be made at least once in a daily newspaper published and of general circulation in the city. At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, at which any citizen of the city shall be given an opportunity to be heard, for or against the estimates of any item thereof.

Section 48. After the conclusion of the public hearing the council may insert new items of expenditures or may increase, decrease or strike out items of expenditure in the general fund budget, except that no item of expenditure for debt service, or any other item required to be included by this act or other provision of law, shall be reduced or stricken out. The council shall not alter the estimates of receipts contained in the said budget except to correct omissions or mathematical errors, and it shall not cause the total of expenditures as recommended by the mayor to be increased without a public hearing on such increase, which shall be held not less than three days after notice thereof by publication in a newspaper of general cir-



culatation published in the city. The council shall in no event adopt a general fund budget in which the total of expenditures exceeds the receipts and available surplus, estimated as herein provided by this Act unless at the same time it adopts measures to provide for additional revenue in the ensuing fiscal year estimated to be sufficient to make up the difference.

Section 49. Not later than the 20th day of September of the current fiscal year, the council by a majority vote shall adopt the general fund budget, and such ordinance providing for additional revenue as may be necessary to put the budget in balance, including a two percent reserve. If for any reason the council fails to adopt the general fund budget on or before such day, the general fund budget of the current fiscal year shall be the general fund budget for the ensuing year, until such time as a newly revised budget shall be adopted by the council, and, until such time, shall have full force and effect to the same extent as if the same had been adopted by the council, notwithstanding anything to the contrary in this Act.

Section 50. If the mayor shall disapprove of any expenditure line item contained in the budget transmitted to him or her by the council, he or she shall, within 10 days of the time of its passage by the council, return the same to the clerk with his or her objections in writing, and the clerk shall make report thereof to the next regular meeting of the city council, and if six (6) of the members elected to the said council shall at said meeting adhere to said expenditure line item by yeas and nays and spread upon the minutes, then and not otherwise, said expenditure line item shall become effective.

Section 51. Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the mayor and city clerk and filed in the office of the director of finance. The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the use of the citizens of the city who request a copy.

Section 52. Separate budget estimates for any public utility owned and operated by the city shall be submitted to the director of finance at the same time as the budget estimates of other departments, and in the form prescribed by the director of finance. The mayor shall present to the council the budget for the utility operation, itemizing the receipts and expenditures in manner and form as is generally provided for herein as being applicable to the general fund budget.

Section 53. After the current expense budgets have been adopted and before the beginning of the fiscal year the head of each department, office, and agency, shall submit to the mayor in such form as the mayor shall prescribe a work program which shall show the requested allotments of the appropriations for such department, office or agency for the entire fiscal year by monthly or quarterly periods as the mayor may direct. Before the beginning of the fiscal year the mayor shall approve, with such amendments as he or she shall determine, the allotments for each such department, office, or agency, and shall file the same with the director of finance who shall not authorize any expenditure to be made from any appropriation except on the basis of approved allotments, provided that such allotments shall be in conformity with the salaries established by ordinance, the provisions of any merit or civil service system applicable to such city, the laws of the state of Alabama and any municipal ordinances of such city, relating to obligatory expenditures for any purpose. The aggregate of such allotments shall not

exceed the total appropriation available to each such department, office, or agency for the fiscal year. An approved allotment may be revised during the fiscal year in the same manner as the original allotment was made. If at any time during the fiscal year the mayor shall ascertain that the revenue cash receipts of the general fund or any public utility for the year plus any cash surplus available from the preceding year, will be less than the total appropriations to be met from such receipts and said surplus, he or she shall reconsider the work and allotments of the departments, offices and agencies, and, subject to the laws of the state of Alabama and any municipal ordinances of the city relating to obligatory expenditures for any purpose, revise the allotments so as to forestall the incurring of a deficit; provided, however, that there shall be no reduction in salaries except by order of the council, or as authorized by law.

Section 54. At the request of the mayor, the council may by resolution transfer any unencumbered balance or portion thereof in any general fund appropriation from one department, office or agency to another or from one classification of expenditures to another in the same department, office or agency.

Section 55. Appropriations in addition to those contained in the original general fund budget ordinance, may be made by the council by not less than six affirmative votes, but only on the recommendation of the mayor and only if the director of finance certifies in writing that there is available in the general fund a sum unencumbered and unappropriated sufficient to meet such appropriation.

Section 56. At any time in any budget year, the council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditures, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriation may be made by the council, by not less than six affirmative votes, but only on the recommendation of the mayor. The total amount of all emergency appropriations made in any budget year shall not exceed five per centum of the total general fund operating appropriations made in the budget for that year.

Section 57. Any portion of an appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse.

Section 58. At the same time that he or she submits the general fund budget, the mayor shall submit to the council a capital improvement program covering all recommended capital improvement projects for the ensuing fiscal year and for the four fiscal years thereafter, with his recommendation as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have the power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year; and may from time to time during the fiscal year amend by ordinance adopted by at least six affirmative votes, the program previously adopted by it, or the means of financing the whole or any part thereof or both, provided that the amendment shall have been recommended by the mayor and further provided such additional funds are available in the general fund or in any other fund of the city available therefor. The council shall adopt a capital budget prior to the beginning of the fiscal year in which the budget is to take effect. No appropriations for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three fiscal years lapse without any expenditure

from or encumbrance of the appropriation therefor. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned and if there be no such indebtedness shall be available for appropriation.

Section 59. No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made, and no payment shall be made from or obligation incurred against any allotment or appropriation unless the director of finance shall first certify that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided for by this Act. Every expenditure or obligation authorized or incurred in violation of the provisions of this Act shall be void. Every payment made in violation of the provisions of this Act shall be deemed illegal, and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive said payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of the board, or employee of the city, shall knowingly incur any obligation or shall knowingly authorize or make any expenditure in violation of the provisions of this Act or knowingly take part therein, such action shall be cause for his or her removal. Nothing in this section, however, shall prevent the making of contracts of lease or for services providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions will reasonably require the making of such contracts.

Section 60. The council may by ordinance establish a reserve fund for permanent public improvements and may appropriate thereto any portion of the general fund cash surplus not otherwise appropriated at the close of any fiscal year. Appropriations from the said fund shall be made only to finance improvements included in the capital budget.

Section 61. Any officially adopted budget in existence at the time that the council is first organized shall continue in force and effect during the balance of the city's then fiscal year, or until such time as the mayor may submit to the council and the council adopts an amended, altered or revised budget for the balance of said fiscal year.

Section 62. At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be provided by property tax, kinds of expenditures itemized according to departments, doing so in such manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

Section 63. There shall be a department of finance, the head of which shall be the financial officer of the city. The director shall be appointed by the mayor and shall not be subject to the provisions of the merit system.

Section 64. The director of finance shall be a person skilled in municipal accounting, taxation, and financial control. He shall provide a bond with such surety and in such amount as the council may require by resolution or ordinance. The premium on said bond shall be paid by the city.

Section 65. The director of finance shall have general management and control of the several divisions and units of the department of finance. He or she shall have charge, subject to the direction and control of the

mayor, of the administration of the financial affairs of the city, and to that end shall have authority and be required to:

(1) Cooperate with the mayor in compiling estimates for the general fund, public utility and capital budgets;

(2) supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded;

(3) prescribe and install systems of accounts for all departments, offices, and agencies of the city and provide instructions for their use; and prescribe the form of receipts, vouchers, bills or claims to be used and of accounts to be kept by all departments, offices, and agencies of the city;

(4) require daily, or at such other intervals as he or she may deem expedient, a report of receipts from each of such departments, offices and agencies, and prescribe the time and the manner in which moneys received by them shall be paid to the office of the director of finance or deposited in a city bank account under his or her control;

(5) examine all contracts, purchase orders and other documents, except bonds and notes which create financial obligations against the city, and approve the same only upon ascertaining that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available in such appropriation and allotment to meet the same, provided that the director of finance may give advance authorization for the expenditure from any appropriation for the purchase of supplies, materials, or equipment of such sum, within the current allotment of such appropriation as he or she may deem necessary during a period of not to exceed the ensuing three calendar months for the purchase of items not to exceed in cost \$100 for any one item, and immediately encumber such appropriation with the amount of such advance authorization, and thereafter, within the period specified, purchase orders for such items, to an aggregate not exceeding such authorization, shall be valid without the prior approval of the director of finance endorsed thereon, but each such purchase order shall be charged against such authorization and no such purchase order, which together with all such purchase orders previously charged within the period specified shall exceed the amount of such authorization, shall be valid;

(6) have custody of all public funds belonging to or under the control of the city, or any office, department or agency of the city government and deposit all funds coming into his or her hands in such depositories as may be designated by resolution or ordinance of the council, or, if no such resolution or ordinance be adopted, by the mayor, subject to the requirements of law as to surety and the payment of interest on deposits. All such interest shall be the property of the city and shall be accounted for and credited to the proper account. The director of finance shall not be liable for any loss sustained as to funds of the city that are on deposit in such a designated bank or depository;

(7) audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the department of law, determine the regularity, legality and correctness of such claims, demands or charges;

(8) have custody of all investments and invested funds of the city or in its possession in a fiduciary capacity, unless otherwise provided by this Act, or by law, ordinance or the terms of any trust, and the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration and exchange;

(9) have supervision over the preparation of bond ordinances, bonds, advertisements for sale of bonds, preparation of bond prospectuses, conduct of sale of bonds, and delivery of bonds, all subject to provisions of law and municipal ordinances, applicable thereto. Bonds shall be authenticated by the manual signature of the director of finance and shall bear the facsimile signature of the mayor and a facsimile of the seal of the city. Interest coupons transferable by delivery shall be attached to the bond and shall be authenticated by the facsimile signature of the director of finance;

(10) supervise and direct the placing of all types of insurance carried by the city where the premiums in whole or in part are paid by the city, or the premiums in whole or in part are withheld through the payrolls; the amount of all types of insurance on which the city pays the premiums in whole or in part shall be determined by the council after a recommendation by the mayor;

(11) submit to the mayor for presentation to the council not later than the twelfth day of each month, a statement showing in reasonable detail the revenues received by the city during the preceding month, the revenues received during that fiscal year up to and through the end of the preceding month, the expenditures made during the preceding month, and the accumulated expenditures made during that fiscal year up to and through the end of the preceding month, together with a comparison of said items with the budget estimates;

(12) furnish to the head of each department, office or agency of the city a copy of that portion of the statement as required in item (11) of this section, as same is related to his or her department, office or agency;

(13) prepare and submit to the mayor at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city;

(14) designate, with the approval of the mayor, and subject to the provisions of any merit or civil service system applicable to such city, an employee of the department of finance as deputy director of finance who during the temporary absence or incapacity of the director of finance shall have and perform all the powers and duties conferred or imposed upon the director of finance;

(15) protect the interests of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted;

(16) collect all special assessments, license fees and other revenues of the city for whose collection the city is responsible and receive all money receivable by the city from the county, state or federal government, or from any court, or from any office, department or agency of the city;

(17) with approval of the mayor to inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in the office of the director of finance;

(18) supervise through the division of purchases as provided for in this Act and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government.

Section 66. No officer, department or agency shall, during any budget

year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this Act. Any contract, verbal or written, made in violation of this Act shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

Section 67. All fees received by any officer or employee of the city shall belong to the city government and shall be paid daily to the department of finance.

Section 68. There shall be established in the department of finance a division responsible for purchases, the head of which shall be the city purchasing agent. Such division head, pursuant to rules and regulations established by resolution or ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the city government. The city purchasing agent shall also have power and shall be required to:

- (1) Establish and enforce specifications with respect to supplies, materials, and equipment required by the city government;

- (2) Inspect or supervise the inspection of all deliveries of supplies, materials and equipment, and determine their quality, quantity and conformance with specifications;

- (3) Have charge of such general storerooms and warehouses as the council may provide by resolution or ordinance;

- (4) Transfer to or between offices, departments or agencies, or sell surplus, obsolete, or unused supplies, material and equipment;

- (5) Perform such other duties as may be imposed upon him or her by resolution or ordinance.

Section 69. Before the purchasing agent makes any purchase of or contract for supplies, materials or equipment, he or she shall give ample opportunity for competitive bidding, under such rules and regulations and with such exceptions as the council may prescribe by resolution or ordinance, provided, however, that the council shall not exempt individual contracts, purchases, or sales from the requirement of competitive bidding.

Section 70. Any city improvement costing more than \$2,000 shall be executed by contract except where such improvement is authorized by the council to be executed directly by a city department in conformity with detailed plans, specifications and estimates. All such contracts for more than \$2,000 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by resolution or ordinance, provided the mayor shall have the power to reject all bids and advertise again. Alteration in any contract may be made when authorized by the council upon the written recommendation of the mayor. Nothing in this Act shall be construed to supersede or nullify provisions of state law requiring or governing competitive bidding.

Section 71. All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and

no contract or order shall be issued to any vendor unless and until the director of finance certifies that there is to the credit of such office, department or agency, a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual service for which the contract or order is to be issued.

Section 72. In any budget year, in anticipation of the collection or receipt of revenues of the budget year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "revenue note for the year 19\_\_ (stating the budget year)." Such notes may be renewed from time to time; but all such notes, together with the renewals thereof, shall mature and be paid not later than the end of the fiscal year after the budget year in which the original notes have been issued. Such borrowing shall be subject to any limitation on amount provided by statute.

Section 73. In the absence of unappropriated available revenues to meet emergency appropriations under the provisions of this Act, the council may by resolution authorize the issuance of notes, each of which shall be designated "emergency note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made.

Section 74. No notes shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note. All notes issued pursuant to this Act may be sold at not less than par and accrued interest at private sale without previous advertisement.

Section 75. Nothing contained in the provisions of this Act, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the city or of any office, department or agency existing at the time when this Act shall take effect or any provision of law in force at the time when the mayor-council form of government shall become applicable and not inconsistent with the provisions of this Act in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city or any office, department or agency thereof, and as provided by the city's merit system.

Section 76. All personnel, except those specifically designated by the provisions of this Act as removable at the discretion of the mayor, holding administrative office at the time the mayor-council form of government becomes effective shall continue in office and in the performance of their duties until other provisions have been made by law for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of the state, if such office, department or agency shall be abolished by this act, or under its authority, shall be thereafter exercised and discharged by the office, department or agency designated by the council unless otherwise provided herein.

Section 77. All records, property and equipment whatsoever of any office, department or agency or part thereof, all the power and duties of which are assigned to any other office, department or agency by the provisions of this act, shall be transferred and delivered to the office, department, or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof are by this

act assigned to another office, department, or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

Section 78. Any office, department or agency provided for in the provisions of this Act with a name or with powers and duties the same or substantially the same as those of an office, department or agency heretofore existing shall be deemed to be continuation of such office, department or agency and until otherwise provided by law, shall exercise its powers and duties in continuation of their exercise by the office, department or agency by which the same were heretofore exercised and, until otherwise provided, shall have power to continue any business, proceeding or other matter within the scope of its regular powers and duties. Any provision in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office, department or agency, shall so far as not inconsistent with the provisions of this Act, apply to such office, department or agency provided for by this Act.

Section 79. All contracts entered into by the city, or for its benefit, prior to the application to such city of the mayor-council form of government, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time of the organization under the mayor-council form of government may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

Section 80. No action or proceedings, civil or criminal, pending at the time of the organization under the mayor-council form of government, brought by or against the city or any office, department or agency or officer thereof, shall be affected or abated by the change to the mayor-council form of government or by anything contained in this act; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer party thereto may by or under this act be assigned or transferred to another office, department or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under the provisions of this act.

Section 81. All laws and parts of laws relating to pensions or retirement and relief funds for policemen, firemen and other employees of the city, contained in the general or local laws of the state as the same may apply and be in effect with respect to any such city at the time when such city shall become governed by the provisions of this act, shall continue in full force and effect, and without interruption or change as to any rights which have been acquired thereunder.

Section 82. All laws and parts of laws relating to establishment of an authority for fairgrounds, parks, exhibits, exhibitions and other installations, facilities and places for the amusement, entertainment, recreation and cultural development of the citizens of a city, and for the powers, authority, mode of financing and conduct of the same, contained in the general or local laws of the state as the same may apply and be in effect with respect to any such city at the time when such city shall become organized under the provisions of this act, shall continue in full force and effect, and without interruption or change as to the establishment or conduct of any authority created thereunder, after application of the mayor-council form of government



to such city.

Section 83. All ordinances and resolutions of the city in effect at the time the form of government herein provided for becomes effective shall continue in effect unless and until changed or repealed by the council.

Section 84. Any merit system officer or employee to whom the mayor, or a head of any office, department or agency, may appoint a successor, may be removed by the mayor or other appointing officer at any time, and the decision of the mayor, or other appointing officer shall be subject to appeals therefrom, if any, provided by applicable law.

Section 85. The mayor, the heads of all departments, and such other officers of the city as may be designated by the council, shall be entitled to attend meetings of the council, but shall have no vote therein. The mayor shall have the right to take part in the discussion of all matters coming before the council, and the directors and other officers shall be entitled to take part in all discussions of the council relating to their respective offices, departments or agencies.

Section 86. The council, the mayor, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$200.00 or by imprisonment not to exceed six months, or both.

Section 87. No contract involving the payment of money out of the appropriation of more than one year shall be made for a period of more than five years, nor shall any such contract be valid unless made or approved by resolution or ordinance.

Section 88. No elected official or city employee shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for the city, and no such member of the council, officer or employee shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line or telephone exchange within the territorial limits of said city. No such member of the council, officer or employee of such city shall be interested in or an employee or attorney of any corporation operating any public service utility within said city. No such member of the council, officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange, or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any gift or other thing of value, or any service upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and upon conviction thereof, the guilty person shall be punished by a fine of not less than one hundred nor more than three hundred dollars, be imprisoned in the county jail for not more than ninety days, and every such contract or agreement shall be voidable by the

mayor or the council. Such prohibition of free transportation shall not apply to policemen or firemen in uniform nor to policemen in the discharge of their duty; nor shall service to city officials in their official capacity heretofore provided by any franchise or ordinance be affected by this section.

Section 89. The director of finance, and such other officers or employees as the council may by general ordinance require so to do, shall give bond in such amount with such surety as may be approved by the council. The premiums on such bonds shall be paid by the city.

Section 90. All records and accounts of every office, department or agency of the city shall be open to inspection by any citizen, any representative of a citizens' organization or any representative of the press at all reasonable times and under reasonable regulations established by the mayor, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Section 91. Every officer of the city shall, before entering upon the duties of his or her office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Alabama, and that I will, in all respects, observe the provision of the ordinances of the City of \_\_\_\_\_, and will faithfully discharge the duties of the office of \_\_\_\_\_."

Section 92. Whenever there shall be a change in the population in any of the seven districts heretofore established, evidenced by a federal census of population published following a decennial federal census hereafter taken beginning in 1990, there shall be a reapportionment of the council districts in the manner hereinafter provided.

(1) The mayor shall within six months after the publication of the 1990 federal census, and each decennial federal census thereafter of the population of the city, file with the council a report containing a recommended plan for the reapportionment of the council district boundaries to comply with the following specifications:

(a) Each district shall be formed of contiguous and to the extent reasonably possible, compact territory, and its boundary lines shall be the centerlines of streets or other well defined boundaries.

(b) Each district shall contain as nearly as is reasonable the same population.

(2) The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance and considered by the council as other ordinances are considered. Once filed with the clerk, the report shall be treated as an ordinance introduced by a council member.

(3) The council shall enact a redistricting ordinance within six months after receiving such report. If the council fails to enact the redistricting ordinance within the said six months, the redistricting plan submitted by the mayor shall become effective without enactment by the council, as if it were a duly enacted ordinance.

(4) Such redistricting ordinance shall not apply to any regular or special election held within six months after its becoming effective. No incumbent council member shall be deprived of his or her unexpired term of office because of such redistricting.

Section 93. No city may change from the mayor-council form of government within two (2) years after the adoption thereof. At the end of such period, or at any time thereafter, the city may change its form of municipal government, as provided by law. No election on the abandonment of the mayor-council form of government shall be held within two years after any other election thereon.

Section 94. If a majority of the qualified electors voting in the election provided herein choose a council-manager form of government, then the council shall be elected in the same manner as the council under the mayor-council form of government set out hereinabove in this Act, except that the at-large council member so elected shall serve as the mayor. Any person desiring to become a candidate for the council shall qualify in the same manner as called for under the mayor-council form of government set out hereinabove in this Act. Each councilman shall receive an annual salary as provided under the mayor-council form of government set out hereinabove in this Act. The mayor shall receive an additional \$750.00 per month.

Section 95. If a majority of the qualified electors voting in the election provided herein choose the district commission plan (commission by districts), then said plan shall be administered in accordance with the Consent Decree entered into by the parties and approved by the court on April 7, 1983 in the case of Bolden vs. City of Mobile, Civil Action No. 75-297.

Section 96. No city may change from the district commission form of government within two (2) years after the adoption thereof. At the end of such period, or at any time thereafter, the city may change its form of municipal government, as provided by law. No election on the abandonment of the district commission form of government shall be held within two years after any other election thereon.

Section 97. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains. If the U. S. Department of Justice objects to the sections herein calling for at-large representatives and fails to pre-clear said provisions, then and in that event the provisions of this Act shall go into effect without the at-large representatives.

Section 98. All laws or parts of laws which conflict with this act are hereby repealed.

Section 99. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Menton
Aldridge	Boyington	Foshee	Mitchell
Amari	Cabaniss	Hilliard	Mitchem
Bachus	Cooley	Holmes	Parsons
Bailey	Corbett	Keener	Proctor
Bedford	Denton	Little	Teague
Bedsole	Dixon		

—25

Nays:

—0

And said Bill, S. B. 536, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House

without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Menton	
Aldridge	Boyington	Foshee	Mitchell	
Amari	Cabaniss	Hilliard	Mitchem	
Bachus	Cooley	Holmes	Parsons	
Bailey	Corbett	Keener	Proctor	
Bedford	Denton	Little	Teague	
Bedsole	Dixon			—25

Nays: —0

On motion of Senator Bedsole, Rule 36 was suspended to allow transmittal to the House of the above Bill, S. B. 536.

The Bill:

H. 184. Relating to the City of Citronelle, in Mobile County; providing further for any tax revenues received by Citronelle, pursuant to Act No. 82-427, H. 221, Regular Session 1982 (Acts, 1982, p. 675), relating to the distribution of certain alcoholic beverage tax revenues to counties and municipalities, so as to prescribe that all such funds in Citronelle be disbursed to the Citronelle Historical Society and make the provisions retroactive to January 1, 1983.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Menton	
Aldridge	Boyington	Foshee	Mitchell	
Amari	Cabaniss	Hilliard	Mitchem	
Bachus	Cooley	Holmes	Parsons	
Bailey	Corbett	Keener	Proctor	
Bedford	Denton	Little	Teague	
Bedsole	Dixon			—25

Nays: —0

The Bill:

H. 183. Relating to Mobile County; to provide for the allocation of up to twenty percent (20%) of the proceeds of ad valorem tax funds levied and collected in accordance with the terms of Act No. 319, H. 593, Regular Session 1976 (Acts 1976, p. 353), by the Mobile County Board of Health for general health purposes.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedford	Cooley	Foshee	
Aldridge	Bedsole	Corbett	Goodwin	
Amari	Bishop	Denton	Holmes	
Bachus	Boyington	Dixon	Keener	
Bailey	Cabaniss	Figures	Little	

**REGULAR SESSION  
28th Day**

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Menton	Mitchem	Proctor	Teague	
Mitchell	Parsons			—25
<i>Nays:</i>				—0

The Bill:

S. 558. Relating to Barbour County; to abolish the current board of education, effective the day after the special November general election of 1983, at which election a new five (5) member county board of education shall qualify and be elected from the five (5) representation districts created for the Barbour County Board of Education pursuant to an order of the U. S. District Court for the Middle District of Alabama, Northern Division, dated July 10, 1970, Civil Action No. 2458-N.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Covington	Hilliard	Mitchell	
Amari	Denton	Holmes	Mitchem	
Bailey	Dixon	Keener	Parsons	
Bedford	Figures	Kirkland	Pearson	
Bedsole	Foshee	Little	Proctor	
Bishop	Goodwin	Menton	Teague	
Cooley	Harrison			—25

*Nays:* —0

The Bill:

S. 559. Relating to Cullman County, to amend Sections 1 and 12 of Act No. 161, H. 182, 1973 Regular Session (Acts 1973, p. 202), which act levies a county hotel-motel lodging tax, so as to increase said tax, and to provide further for the use of the proceeds of such tax.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cooley	Hilliard	Mitchell	
Amari	Denton	Holmes	Mitchem	
Bachus	Dixon	Keener	Parsons	
Bailey	Figures	Kirkland	Pearson	
Bedford	Foshee	Little	Proctor	
Bedsole	Goodwin	Menton	Teague	
Bishop	Harrison			—25

*Nays:* —0

**MOTION TO ADJOURN**

Senator Keener moved that when the Senate adjourns today, it adjourn to meet again on Monday, July 25, 1983, at 10 o'clock A.M., which motion was adopted.

UNFINISHED BUSINESS  
BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**H. 370. Relating to banks and banking:** To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by federal law to a federal savings bank, federal savings and loan association or federal savings and loan association service corporation, so long as any such activity not otherwise permissible to a state bank is not conducted within the State of Alabama; to permit any bank organized under the laws of Alabama to acquire any or all of the shares of one or more federal or state savings banks or savings and loan associations having no offices within Alabama; to provide for the disposition or closing of offices upon the establishment or acquisition of offices within the State of Alabama; to provide that this Act makes no changes in laws pertaining to branch banking in Alabama; to provide that the provisions of this Act are cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

On motion of Senator Keener, further consideration of the Bill, H. B. 370, was postponed until the Twenty-Ninth Legislative Day, as Unfinished Business.

## BILLS ON THIRD READING RESUMED

The Bill:

**S. 560.** Authorizing the County Governing Body of Madison County to levy, assess and collect franchise, excise and privilege license taxes in Madison County outside the corporate limits of the City of Huntsville, Alabama, providing that the proceeds of said tax be paid into the general fund of Madison County; providing certain limitations on the levying of the taxes; providing for the enforcement and collection of the tax and distribution thereof, and providing an effective date for this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Hilliard	Mitchell
Amari	Corbett	Holmes	Mitchem
Bachus	Denton	Keener	Parsons
Bailey	Dixon	Kirkland	Proctor
Bedford	Figures	Little	Smith (B)
Bedsale	Foshee	Menton	Smith (J)
Bishop	Goodwin		

—25

Nays:

—0

The Bill:

**S. 562.** Relating to Shelby County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for

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the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tapes or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; to transfer certain duties now performed by the tax assessor and tax collector; to provide that the probate judge shall be a member of the Association of Tax Assessors and Tax Collectors; and to provide further for the expense allowance of the probate judge.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Corbett	Holmes	Mitchem
Bachus	Denton	Keener	Parsons
Bedford	Dixon	Kirkland	Proctor
Bedsole	Figures	Little	Smith (B)
Bishop	Foshee	Menton	Smith (J)
Cabaniss	Goodwin	Mitchell	Teague
Cooley	Hilliard		

—25

*Nays:* —0

The Bill:

S. 563. Relating to Shelby County; authorizing and empowering the county commission to promulgate and implement rules and regulations including advance permit requirements for adequate control and accommodation of outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside of the municipal or town limits of any city or town in Shelby County and prescribing penalty for violation.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Corbett	Holmes	Mitchem
Aldridge	Denton	Keener	Parsons
Bachus	Dixon	Kirkland	Proctor
Bedford	Figures	Little	Smith (B)
Bedsole	Foshee	Menton	Smith (J)
Bishop	Goodwin	Mitchell	Teague
Cooley	Hilliard		

—25

*Nays:* —0

The Bill:

S. 565. Relating to Winston County; authorizing the Winston County Commission to levy a county excise tax on the sale, distribution, storage, or withdrawal from storage of gasoline and/or diesel fuel in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Keener	Parsons
Aldridge	Cooley	Kirkland	Pearson
Amari	Denton	Little	Proctor
Bachus	Dixon	Menton	Smith (B)
Bailey	Figures	Mitchell	Smith (J)
Bedford	Foshee	Mitchem	Teague
Bedsole	Holmes		

—25

Nays:

—0

The Bill:

S. 566. Relating to Winston County; authorizing the Winston County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hilliard	Mitchell
Aldridge	Cooley	Holmes	Mitchem
Amari	Denton	Keener	Parsons
Bachus	Dixon	Kirkland	Pearson
Bailey	Figures	Little	Proctor
Bedford	Foshee	Menton	Teague
Bedsole	Goodwin		

—25

Nays:

—0

The Bill:

H. 102. Relating to Tuscaloosa County, to repeal, in part, Act 613, H. 1289, 1977 Regular Session, (Acts of 1977, p. 922) a population based bill for Tuscaloosa County relating to voter registration; specifically repealing Section 11 pertaining to the voter signature book and Section 12 pertaining to the suspension of registration.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Hilliard	Mitchell
Amari	Corbett	Holmes	Mitchem
Bachus	deGraffenried	Keener	Parsons
Bailey	Dixon	Kirkland	Pearson
Bedford	Figures	Little	Robertson
Bedsole	Foshee	Menton	Teague
Bishop	Goodwin		

—25



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*Nays:*

—0

The Bill:

H. 111. Relating to Choctaw County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Boyington	Goodwin	Mitchell
Amari	Cooley	Holmes	Mitchem
Bachus	Corbett	Keener	Parsons
Bailey	Denton	Kirkland	Pearson
Bedford	Dixon	Little	Robertson
Bedsole	Figures	Menton	Teague
Bishop	Foshee		

—25

*Nays:*

—0

The Bill:

H. 218. Relating to Jackson County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; and providing for a referendum.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cooley	Holmes	Mitchem
Aldridge	Corbett	Keener	Parsons
Amari	Denton	Kirkland	Pearson
Bachus	Dixon	Little	Proctor
Bailey	Figures	Menton	Smith (B)
Bedford	Foshee	Mitchell	Teague
Bishop	Goodwin		

—25

*Nays:*

—0

The Bill:

H. 220. To amend Act 79-473, Regular Session 1979, as amended by Act 80-558 of the Regular Session 1980 (Acts 1980, p. 867), which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes to Jackson County, so as to provide that a portion of such payments shall be used to provide for a legislative office for the members of the state legislative delegation serving Jackson County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cooley	Holmes	Mitchem
Aldridge	Corbett	Keener	Parsons
Amari	Denton	Kirkland	Pearson
Bachus	Dixon	Little	Proctor
Bailey	Figures	Menton	Smith (B)
Bedford	Foshee	Mitchell	Teague
Bishop	Goodwin		

—25

*Nays:*

—0

*The Bill:*

H. 221. Relating to Jackson County; amending Section 2 of Act No. 79-349, H. 761, 1979 Regular Session (Acts 1979, p. 562), relating to the distribution of the use of coal severance tax in the county collected pursuant to said act, so as to further provide therefor.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cooley	Holmes	Mitchem
Aldridge	Corbett	Keener	Parsons
Amari	Denton	Kirkland	Pearson
Bachus	Dixon	Little	Proctor
Bailey	Figures	Menton	Smith (B)
Bedford	Foshee	Mitchell	Teague
Bishop	Goodwin		

—25

*Nays:*

—0

*The Bill:*

H. 222. Relating to Jackson County; providing for the county governing body to reimburse the office of tax collector and probate judge for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 222, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 222

On page 1, on line 14, delete the word "any" and insert in lieu thereof: certain

On page 1, delete Section 1 in its entirety and substitute in lieu thereof:

Section 1. The Jackson County governing body shall reimburse the office of tax collector and probate judge from the general fund of the county the amount of any monetary loss, not to exceed a total of two thousand dollars (\$2,000.00) per annum, arising or caused by the acceptance of worthless or forged checks if the acceptance was caused without their personal knowledge.

Which was adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchell	
Aldridge	Cooley	Holmes	Mitchem	
Amari	Corbett	Keener	Parsons	
Bachus	Denton	Kirkland	Pearson	
Bailey	Dixon	Little	Proctor	
Bedford	Figures	Menton	Teague	
Bishop	Foshee			—25

Nays: —0

And said Bill, H. B. 222, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchell	
Aldridge	Cooley	Holmes	Mitchem	
Amari	Corbett	Keener	Parsons	
Bachus	Denton	Kirkland	Pearson	
Bailey	Dixon	Little	Proctor	
Bedford	Figures	Menton	Teague	
Bishop	Foshee			—25

Nays: —0

The Bill:

H. 316. Relating to Jackson County; to authorize the Jackson County Commission to fix a county fire protection tax of 2 mills on certain taxable real estate in Jackson County, excluding row crops and pasture lands; to authorize the Jackson County Commission to appoint the president of the Jackson County Association of Volunteer Fire Departments to the office of fire marshal of Jackson County; to authorize the Jackson County Commission to spend the fire protection tax funds through requisition presented by the fire marshal of Jackson County; to authorize the Jackson County Commission to adopt a county fire code; to authorize the Jackson County Association of Volunteer Fire Departments to establish fire districts in the geographical boundaries of Jackson County; and to exclude from fire districts any corporate municipality which does not request through resolution by its governing body to be made a part of and subject to the provisions of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchell	
Aldridge	Cooley	Holmes	Mitchem	
Amari	Corbett	Keener	Parsons	
Bachus	Denton	Kirkland	Pearson	
Bailey	Dixon	Little	Proctor	
Bedford	Figures	Menton	Teague	
Bishop	Foshee			—25

Nays: —0

## The Bill:

H. 410. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Senators:	Bishop	Foshee	Mitchell	
Aldridge	Cabaniss	Goodwin	Mitchem	
Amari	Cooley	Holmes	Parsons	
Bachus	Corbett	Kirkland	Pearson	
Bailey	Denton	Little	Proctor	
Bedford	Dixon	Menton	Teague	
Bedsole	Figures			—25

Nays: —0

## The Bill:

H. 619. Relating to Chambers County; requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Senators:	Bishop	Goodwin	Parsons	
Aldridge	Cabaniss	Holmes	Pearson	
Amari	Corbett	Keener	Proctor	
Bachus	Denton	Little	Smith (B)	
Bailey	Dixon	Mitchell	Smith (J)	
Bedford	Figures	Mitchem	Teague	
Bedsole	Foshee			—25

Nays: —0

## The Bill:

H. 672. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Forkland in Greene County.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Senators:	Bishop	Foshee	Menton	
Aldridge	Cabaniss	Goodwin	Mitchell	
Amari	Cooley	Holmes	Mitchem	
Bachus	Corbett	Keener	Parsons	
Bailey	Denton	Kirkland	Pearson	
Bedford	Dixon	Little	Robertson	
Bedsole	Figures			—25

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Nays:

—0

The Bill:

H. 680. Relating to Randolph County; requiring the county health department or its agent, to perform soil percolation tests for septic tank installation purposes for a certain fee.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Boyington	Goodwin	Mitchell
Amari	Cooley	Harrison	Mitchem
Bachus	Corbett	Hilliard	Parsons
Bailey	Denton	Holmes	Pearson
Bedford	Dixon	Keener	Proctor
Bedsole	Figures	Little	Teague
Bishop	Foshee		

—25

Nays:

—0

The Bill:

H. 694. Relating to Randolph County; providing further for the compensation of the county coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Hilliard	Parsons
Amari	Corbett	Holmes	Pearson
Bachus	Denton	Keener	Proctor
Bailey	Dixon	Little	Smith (B)
Bedford	Figures	Mitchell	Smith (J)
Bedsole	Foshee	Mitchem	Teague
Bishop	Goodwin		

—25

Nays:

—0

The Bill:

H. 723. Relating to Sumter County; providing that certain taxes heretofore levied on malt or brewed beverages in said county shall hereafter be administered by the judge of probate and prescribing a certain administration fee for said judge.

was taken up.

On motion of Senator Robertson, further consideration of the Bill, H. B. 723, was postponed until the Twenty-Ninth Legislative Day.

The Bill:

H. 770. Relating to Tuscaloosa County; providing for the filing for record and the preservation of all orders and decrees made and entered by any judge of the circuit court in Tuscaloosa County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons
Aldridge	Cabaniss	Keener	Proctor
Amari	Cooley	Kirkland	Robertson
Bachus	deGraffenried	Little	Smith (B)
Bailey	Denton	Menton	Smith (J)
Bedford	Foshee	Mitchem	Teague
Bedsole	Goodwin		

—25

Nays:

—0

The Bill:

H. 797. To amend Section 5 of Act No. 82-362, H. 772, of the Regular Session of 1982, relating to the compensation of deputy sheriffs in Calhoun County, so as to clarify the date on which such act shall become effective.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Harrison	Mitchem
Aldridge	Cabaniss	Holmes	Parsons
Amari	Cooley	Keener	Proctor
Bachus	Denton	Kirkland	Smith (B)
Bailey	Dixon	Little	Smith (J)
Bedford	Figures	Menton	Teague
Bedsole	Foshee		

—25

Nays:

—0

The Bill:

H. 831. Relating only to Choctaw County, to further provide for the distribution of the tax levied by Act #82-344, Acts of Alabama, regular session 1982.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons
Aldridge	Cooley	Keener	Proctor
Amari	Corbett	Kirkland	Robertson
Bachus	Denton	Little	Smith (B)
Bailey	Dixon	Menton	Smith (J)
Bedford	Foshee	Mitchem	Teague
Bedsole	Goodwin		

—25

Nays:

—0

The Bill:

H. 507. Relating to Lee County; to provide further for the election of the members of the county board of education.

was read a third time at length and passed.

Yeas 25; Nays 0.

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*Yeas:*

Senators:	Bishop	Goodwin	Mitchem
Aldridge	Cabaniss	Holmes	Parsons
Amari	Cooley	Keener	Proctor
Bachus	Corbett	Kirkland	Smith (B)
Bailey	Denton	Little	Smith (J)
Bedford	Dixon	Menton	Teague
Bedsole	Foshee		

—25

*Nays:*

—0

The Bill:

H. 511. Relating to Lee County; to legalize the sale of draft or keg beer or malt beverages.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Goodwin	Mitchem
Aldridge	Cabaniss	Holmes	Parsons
Amari	Cooley	Keener	Proctor
Bachus	Corbett	Kirkland	Smith (B)
Bailey	Denton	Little	Smith (J)
Bedford	Dixon	Menton	Teague
Bedsole	Foshee		

—25

*Nays:*

—0

**RULE 36 SUSPENDED**

On motion of Senator Bachus, Rule 36 was suspended to allow transmittal to the House the above Senate Local Bills.

**BILLS ON THIRD READING RESUMED**

On motion of Senator Bachus, the Rules were suspended in order to bring up the Bill:

H. 686. To further amend Section 11-60-1, Code of Alabama, 1975 respecting municipal public park and recreation boards, to amend the definitions in the said act to include the recreational facilities, handball courts and gymnasiums in the definition of "Project" therein.

And said Bill, H. B. 686, was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Bishop	Figures	Menton
Amari	Cabaniss	Goodwin	Mitchem
Bachus	Corbett	Harrison	Robertson
Bailey	deGraffenried	Hilliard	Smith (B)
Bedford	Denton	Little	Teague
Bedsole	Dixon		

—21

*Nays:*

—0

On motion of Senator Bedford, the Rules were suspended in order to bring up the Bill:

H. 681. To amend §34-23-116, Code of Alabama of 1975, relating to exemptions from the "Third Party Prescription Program Act" in Title 34, Chapter 23, Article 5, Code of Alabama of 1975, so as to provide for exemption of services reimbursed by non-profit corporations organized under Title 10, Chapter 4, Article 6, Code of Alabama of 1975, to establish and operate health care service plans.

And said Bill, H. B. 681, was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Corbett	Figures	Robertson	
Bachus	Covington	Goodwin	Smith (B)	
Bedford	deGraffenried	Little	Smith (J)	
Bishop	Denton	Menton	Teague	
Boyington	Dixon	Mitchem		—18

*Nays:*

—0

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 395. COMMENDING DR. ROBERT LAWSON BRYAN, PASTOR OF THE DEXTER AVENUE UNITED METHODIST CHURCH, MONTGOMERY, ALABAMA.

Also:

H. J. R. 397. COMMENDING MR. JOHNNY LOUIS CLARK FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 386. CONGRATULATING VICTOR F. MITCHELL UPON HIM REACHING HIS NINETIETH MILESTONE.

Also:

H. J. R. 384. COMMENDING MRS. MONA FRICKS, DIRECTOR OF THE ALBERTVILLE LIBRARY, ALBERTVILLE, ALABAMA.

Also:

H. J. R. 383. COMMENDING MRS. LINDA BOWEN OF MONTGOMERY, ALABAMA, WHO EXEMPLIFIES THE INDEPENDENT AND PRODUCTIVE BLIND CITIZENS OF THE STATE OF ALABAMA.

On motion of Senator Denton, the Resolutions were then concurred in and adopted by the Senate.

### RESOLUTION RECONSIDERED

Senator Bishop moved that the Senate reconsider the vote by which the Resolution, S. R. 288, was adopted.

Senator Bishop then moved that further consideration of the Resolution, S.R. 288, be postponed temporarily.



**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 307. **RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-eighth legislative day of the 1983 Regular Session only:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 247	U of SA land transfer	105
H. B. 536	Parole notice	184
H. B. 237	Approp. for Walker County Jr. College	152
H. B. 238	Approp. for Tuskegee Inst.	152
H. B. 239	Approp. for Talladega College	153
H. B. 240	Approp. for Marion Military Inst.	153
H. B. 241	Approp. for Lyman Ward Military Academy	154
H. B. 245	Education Budget	157
H. B. 24	Child Pornography	109
H. B. 375	Interstate Mot. carriers	111
H. B. 376	Trip permits	110
H. B. 105	Food Stamp bill	110
H. B. 329	Mobile Home VCC form	174
S. B. 94	Municipal election bill	125
H. B. 56	Children's Trust Fund	144
H. B. 57	Children's Trust Fund	119
S. B. 245	Early retirement	100
H. B. 494	Raises fees of Funeral Directors	111
S. B. 162	Victim protection	78

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

**SPECIAL ORDER**

**BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 247. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama conveying a portion of Mobile Bay and transferring title to the State of Alabama.

On motion of Senator Figures, further consideration of the Bill, H. B. 247, was postponed until the Twenty-Ninth Legislative Day.

The Bill:

H. 536. To amend Section 15-22-23 and Section 15-22-36, of the Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles so as to provide further for notification procedures.

was taken up.

Senator Hilliard moved that further consideration of the Bill, H. B. 536, be postponed until the Twenty-Ninth Legislative Day.

### RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 308. COMMENDING HUGH V. STRAIN OF ATHENS FOR OUTSTANDING COMMUNITY AND BUSINESS LEADERSHIP IN LIMESTONE COUNTY.

Also:

S. R. 309. COMMENDING JOHN L. WALLACE OF ATHENS, ALABAMA, FOR OUTSTANDING HUMANITARIAN SERVICE TO HIS STATE AND COMMUNITY.

Also:

S. R. 310. COMMENDING JAMES DeWITT GARRETT.

Which were adopted.

Senator Little offered the following Senate Resolution, to-wit:

S. R. 311. MOURNING THE DEATH OF DR. KIRBY HAYS, AUBURN UNIVERSITY PROFESSOR OF ZOOLOGY-ENTOMOLOGY.

Which was adopted.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 72. Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend § 34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from \$30 to \$50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to

further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 93. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for such procedures.

by a majority of the whole number elected to the House, said vote being Yeas 65, Nays 0.

And said Bill S. B. 93, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the House, said vote being Yeas 71, Nays 0.

And said Bill S. B. 93, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 450. To provide for and regulate through licensure and registration the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General, or the District Attorney of any county of the State of Alabama; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

Also:

H. 530. To regulate further the office of chief deputy sheriff in Jefferson County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; to authorize the sheriff of Jefferson County to appoint the chief deputy sheriff; and to prescribe the effective date of such act.

Also:

H. 224. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

by a majority of the whole number elected to the House, said vote being Yeas 82, Nays 0.

And said Bill S. B. 369, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the House, said vote being Yeas 79, Nays 0.

And said Bill S. B. 369, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

### FURTHER CONSIDERATION OF H. B. 536

The Senate proceeded to further consideration of the Bill, H. B. 536. The question was on the motion of Senator Hilliard that the Bill, H. B. 536, be postponed until the Twenty-Ninth Legislative Day.

Senator Smith (J) moved that the motion to postpone be laid on the table.

Senator Mitchem offered a substitute motion that further consideration of the Bill, H. B. 536, be postponed subject to the call of the Chair, which motion was adopted.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 816. Relating to Marshall County; to provide that all county commissioners shall serve full time; providing for compensation; and providing for retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

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Yeas:

Senators:	Cabaniss	Holmes	Parsons
Aldridge	Cooley	Keener	Pearson
Amari	Corbett	Kirkland	Proctor
Bachus	Denton	Little	Smith (B)
Bedford	Dixon	Menton	Smith (J)
Bedsole	Foshee	Mitchem	Teague
Bishop	Goodwin		

—25

Nays:

—0

**RULE 61 SUSPENDED**

On motion of Senator Mitchem, Rule 61 was suspended to allow all Committees to meet and report on the Twenty-Ninth Legislative Day.

**RESOLUTIONS**

Senator Kirkland offered the following Senate Resolutions, to-wit:

S. R. 312. COMMENDING MR. TOM WHITE, PROMINENT FLO-MATON BUSINESSMAN.

Also:

S. R. 313. CONGRATULATING DAVID CASTLEBERRY UPON HIS RECENT PROMOTION AT T. R. MILLER MILL COMPANY.

Which were adopted.

**RULE 61 SUSPENDED**

On motion of Senator Kirkland, Rule 61 was suspended in order that the Bill, S. B. 543, might be reported out of Committee.

**REPORTS OF COMMITTEES RESUMED**

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Kirkland:

S. 543. Relating to the practice and occupations of plumbing and gas fitting work; to provide for the optional certification of such practices at a state level; to define legislative intent and definitions; to create the Alabama Board of Plumbing and Gas Certification; to provide for the composition, meetings, business, powers and responsibilities of the board; to provide for local programs of certifying plumbers and gas fitters; to administer examinations, fees, and performance bonds of applicants who seek board certification; to provide for the deposit and use of fees; to make an appropriation from the state general fund to initiate the state program; to provide exceptions to this Act; to preserve local programs operating pursuant to Act No. 529, H. 977, 1949 Regular Session; to expressly authorize future local laws for local certification programs; to authorize the publishing and distribution of a list of the board's certificates; to provide for a grievance procedure for actions of the board; to provide for enforcement of the provisions of this Act; to authorize reciprocal agreements with other states; and to prescribe penalties for violations of this Act.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Rogers and Horn (With Notice and Proof):

H. 553. To relate to Class 1 municipalities (any city with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to create and provide for a racing commission for the regulating, licensing and supervision of horse racing and wagering thereon in any such municipality; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed racetrack; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of any such municipality on the question of whether the act will become effective in the municipality.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 553, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 553. To the Committee on Local Legislation No. 2.

**FURTHER CONSIDERATION OF H. B. 536**

The Senate proceeded to further consideration of the Bill, H. B. 536.

Senator Hilliard offered the following amendment to the Bill, H. B. 536, to-wit:

**AMENDMENT TO H. B. 536**

Amend House Bill No. 536 Page 2 Line 35, by striking out section (b)(3) in its entirety and substituting in lieu thereof, the following:

“(3) all persons who are required to be notified under the provisions of this act have been allowed, at their option, to either appear before the board or give their views in writing.

and on page 7, line 6 by striking section 9 in its entirety and substituting in lieu thereof, the following:

“(9) a statement that all persons required to be notified under the provisions of this act will be allowed, at their option, to either appear before the board or give their views in writing.”

Which was adopted.

Yeas 20; Nays 2.

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*Yeas:*

Senators:	Boyington	Figures	Little
Aldridge	Corbett	Goodwin	Menton
Bailey	Covington	Harrison	Mitchell
Bedford	deGraffenried	Hilliard	Smith (J)
Bedsole	Denton	Holmes	Teague
Bishop			—20

*Nays:* Senators: Dixon and Foshee —2

And said Bill, H. B. 536, as thus amended, was read a third time at length and passed.

Yeas 28; Nays 1.

*Yeas:*

Senators:	Cabaniss	Figures	Menton
Aldridge	Cooley	Foshee	Mitchell
Bachus	Corbett	Goodwin	Mitchem
Bailey	Covington	Harrison	Parsons
Bedford	deGraffenried	Holmes	Robertson
Bedsole	Denton	Kirkland	Smith (J)
Bishop	Dixon	Little	Teague
Boyington			—28

*Nay:* Senator Hilliard —1

**BILLS ON THIRD READING RESUMED**

Senator Hilliard requested and received permission to suspend the Rule in order to bring up the Bill:

S. 335. To provide that any payments for the support of any person which are ordered by the trial courts of this state or which are ordered by a responding state's court in a reciprocal nonsupport case and which are awarded in order to reimburse the Department of Pensions and Security for funds expended by it under public assistance programs, shall be ordered paid directly to the county department of pensions and security or the local district attorney's office.

Senator Hilliard offered the following substitute for the Bill, S. B. 335, to-wit:

**SUBSTITUTE FOR S. B. 335**

**A BILL  
TO BE ENTITLED  
AN ACT**

To provide that any payments for the support of any person which are ordered by the trial courts of this state or which are ordered in a reciprocal nonsupport case and which are awarded in cases filed pursuant to the Social Security Act's Title IV-D program for child support, shall be ordered paid directly to the county department of pensions and security, or other office designated by the State Department of Pensions and Security; to provide that such designated office shall not include the clerk or register or district attorney without that officer's express written consent; and, to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of Sections 30-4-59, 30-4-92 and 38-10-8, Code of Alabama 1975, and any other provisions of general or local law to the contrary notwithstanding, in any case brought for the support of a minor child or other person by the Department of Pensions and Security, the office of the district attorney or any other representative of the Department of Pensions and Security pursuant to the provisions of Title IV-D of the Social Security Act, its amendments and any regulations promulgated thereunder, the trial courts of this state shall order that said support payments be made by the responsible parent or person directly to the local county department of pensions and security, or such other local office designated to receive said support payments. Provided, the appropriate office for the receipt of said payments shall be designated for each county of the state by the state Department of Pensions and Security, except that such recipient office shall not include any office of the circuit or district court clerk or circuit court register or district attorney without the express written consent of said officer. Provided, such written consent may be revoked by the clerk or register upon 30 days' notice. It is specifically provided that support payments collected in reciprocal nonsupport cases filed pursuant to the provisions of Title IV-D shall also be collected by the office designated under the provisions of this Act for the collection of other Title IV-D support payments.

Section 2. All support payments collected by the appropriately designated office, as provided in this Act, shall be disbursed to the appropriate person, party or agency, all as may be provided under procedures to be established by the state Department of Pensions and Security and as may be required under the Social Security Act.

Section 3. The provisions of this Act shall become effective on January 1, 1984, and shall specifically be applied to any Title IV-D case, as provided herein, in which the order of support was entered prior to that date.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Mitchell	
Bachus	Corbett	Goodwin	Mitchem	
Bailey	Covington	Harrison	Parsons	
Bedford	deGraffenried	Hilliard	Robertson	
Bedsole	Denton	Holmes	Smith (B)	
Bishop	Dixon	Kirkland	Smith (J)	
Cabaniss	Figures	Little	Teague	—27

Nays: —0

And said Bill, S. B. 335, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Bishop	Covington	Harrison
Bachus	Boyington	Denton	Hilliard
Bailey	Cabaniss	Figures	Holmes
Bedford	Cooley	Foshee	Kirkland
Bedsole	Corbett	Goodwin	Little



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Mitchell	Smith (B)	Smith (J)	Teague	—23
<i>Nays:</i>				—0

On motion of Senator Hilliard, Rule 36 was suspended to allow transmittal to the House of the above Bill, S. B. 335.

**BILLS ON THIRD READING RESUMED**

**The Bill:**

H. 237. To make appropriations for the support and maintenance of the Walker County Junior College.

was read a third time at length and passed.

Yeas 27; Nays 2.

*Yeas:*

Senators:	Bishop	Figures	Mitchell	
Aldridge	Boyington	Foshee	Mitchem	
Amari	Cabaniss	Goodwin	Proctor	
Bachus	Corbett	Holmes	Robertson	
Bailey	Covington	Kirkland	Smith (B)	
Bedford	deGraffenried	Little	Smith (J)	
Bedsole	Denton	Menton	Teague	—27

*Nays:* Senators: Dixon and Harrison —2

**The Bill:**

H. 238. To make appropriations for the support and maintenance of the Tuskegee Institute.

was read a third time at length and passed.

Yeas 27; Nays 2.

*Yeas:*

Senators:	Boyington	Foshee	Mitchell	
Aldridge	Cabaniss	Goodwin	Mitchem	
Amari	Corbett	Hilliard	Proctor	
Bachus	Covington	Holmes	Robertson	
Bailey	deGraffenried	Kirkland	Smith (B)	
Bedsole	Denton	Little	Smith (J)	
Bishop	Figures	Menton	Teague	—27

*Nays:* Senators: Dixon and Harrison —2

**The Bill:**

H. 239. To make appropriations for the support and maintenance of the Talladega College.

was read a third time at length and passed.

Yeas 24; Nays 2.

*Yeas:*

Senators:	Bailey	Boyington	deGraffenried
Aldridge	Bedford	Cabaniss	Denton
Amari	Bedsole	Cooley	Figures
Bachus	Bishop	Corbett	Goodwin

Holmes	Mitchell	Proctor	Smith (B)	
Little	Mitchem	Robertson	Teague	
Menton				—24

Nays: Senators: Dixon and Harrison —2

**The Bill:**

H. 240. To make appropriations for the support and maintenance of the Marion Military Institute.

was read a third time at length and passed.

Yeas 24; Nays 2.

**Yeas:**

Senators:	Bishop	Denton	Mitchell	
Aldridge	Boyington	Figures	Mitchem	
Amari	Cabaniss	Goodwin	Proctor	
Bachus	Cooley	Holmes	Robertson	
Bailey	Corbett	Little	Smith (B)	
Bedford	deGraffenried	Menton	Teague	
Bedsole				—24

Nays: Senators: Dixon and Harrison —2

**POINT OF PERSONAL PRIVILEGE**

Senator Cooley requested that the Journal show that had he been present when the Bill, H. B. 237, was passed, he would have voted "Aye".

**BILLS ON THIRD READING RESUMED****The Bill:**

H. 241. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

was read a third time at length and passed.

Yeas 26; Nays 3.

**Yeas:**

Senators:	Bishop	Denton	Mitchell	
Aldridge	Boyington	Figures	Mitchem	
Amari	Cabaniss	Goodwin	Robertson	
Bachus	Cooley	Hilliard	Smith (B)	
Bailey	Corbett	Holmes	Smith (J)	
Bedford	Covington	Little	Teague	
Bedsole	deGraffenried	Menton		—26

Nays: Senators: Dixon, Harrison, and Parsons —3

**The Bill:**

H. 245. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 245, to-wit:

COMMITTEE SUBSTITUTE FOR HOUSE BILL 245

A BILL  
TO BE ENTITLED  
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1984 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Special Mental Health Trust Fund, Alabama Board of Nursing Trust Fund, Alabama Peace Officers Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1984 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Title 41, Chapter 4, Article 4, 1975 Code of Alabama as amended), the provisions of The Budget Management Act of 1976 (Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Section 3:

	ASETF	Trust Funds	Approp. Total
A. STATE AGENCIES			
1. ACADEMY OF HONOR, ALABAMA:			
(a) Historical Resources Manage-			

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ment Program .....	950
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## SOURCE OF FUNDS:

(1) ASETF—Transfer .....	950
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Total Alabama Academy of Honor .....	950	950
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2. ARTS AND HUMANITIES,  
COUNCIL ON THE:

(a) Fine Arts Program .....	1,040,822
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(b) Outdoor Drama .....	10,000
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(c) National Endowment for the Arts .....	300,000
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The appropriation to the Council on the Arts and Humanities shall include a transfer to the State Personnel Department of \$627.

## SOURCE OF FUNDS:

(1) ASETF—Transfer .....	750,000
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(2) Federal and Local Funds .....	600,822
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Total Council on the Arts and Humanities .....	750,000	600,822	1,350,822
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3. DEBT SERVICE .....

649,708

## (a) Interest on Endowments:

For interest on University of Montevallo (Alabama College) Endowment, Estimated .....	34,964
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For interest on Auburn University Endowment .....	20,280
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For interest on University of Alabama Endowment .....	61,000
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For interest on Grove Hill Endowment .....	600
--	-----

For interest on

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Public School Fund	
Endowment: Interest on 16th Section Lands, Estimated .	410,000
Interest on School Indemnity Lands, Estimated .....	90,000
Interest on Valueless 16th Section Lands .....	5,825
Interest on Surplus Revenue .....	26,764
Interest on James Wallace Fund .....	<u>275</u>
Total Interest on Public School Fund Endowment .....	532,864

**SOURCE OF FUNDS:**

(1) ASETF .....	649,708	
Total Debt Service .....	649,708	649,708

**4. DENTAL SCHOLARSHIP  
AWARDS, BOARD OF:**

(a) Support of Other Educational Activities Programs .....	191,000
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**SOURCE OF FUNDS:**

(1) ASETF .....	191,000	
Total Board of Dental Scholarship Awards .....	191,000	191,000

(To be expended under the provision of Title 16, Chapter 47, Sections 76 through 81, 1975 Code of Alabama as amended.)

**5. EDUCATION, DEPARTMENT  
OF:**

(a) Administrative Services Program .....	11,143,902
The proposed spending plan for the above is as follows:	

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Compact for Education . . . . . 32,000

Operations and Maintenance of Department . . . . . 1,894,822

Telephone Network Fund, Estimated . . . . . 1,390,000

**SOURCE OF FUNDS:**

(1) ASETF . . . . . 3,316,822

(2) Federal and Local Funds . . . . . 7,827,080

Total Administrative Services Program . . . . .	3,316,822	7,827,080	11,143,902
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The above appropriation shall include a transfer to the State Personnel Department of \$80,255.

(b) Adult Education Program . . . . . 3,521,512

The proposed spending plan for the above is as follows:

Adult Basic Education . . . . . 1,550,000

Community Education . . . . . 200,000

**SOURCE OF FUNDS:**

(1) ASETF . . . . . 1,750,000

(2) Federal and Local Funds . . . . . 1,771,512

Total Adult Education Program . . . . .	1,750,000	1,771,512	3,521,512
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(c) Direct Client Services for the Handicapped . . . . . 39,182,018

To be distributed by the Department of Education as follows:

Crippled Children Services Program . . . . . 4,631,867

Handicapped Recreation Program . . . . . 186,000

(To provide recreation and services at

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a year-round accredited handicapped recreation facility.)

Hemophilia Program ..... 279,000

Homebound Program ..... 2,000,000

Rehabilitation Services Program .... 6,166,675

**SOURCE OF FUNDS:**

(1) ASETF ..... 13,263,542

(2) Federal and Local Funds ..... 25,918,476

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Total Direct Client Services for the Handicapped .....	13,263,542	25,918,476	39,182,018
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(d) Emergency Medical Services Education Program ..... 1,500,000

To be distributed by the Department of Education as follows:

(1) Birmingham Regional Emergency Medical System ..... 250,000

(2) East Alabama Emergency Medical Services, Inc. .... 250,000

(3) North Alabama Emergency Medical Services, Inc. .... 250,000

(4) Southeast Alabama Emergency Medical Services System, Inc. .... 250,000

(5) Southwest Alabama Emergency Medical Services Council, Inc. .... 250,000

(6) West Alabama Emergency Medical Services, Inc. .... 250,000

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services pro-

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grams named and for the purchase of instructional supplies and new instructional equipment for such programs.

**SOURCE OF FUNDS:**

(1) ASETF ..... 1,500,000

Total Emergency Medical Services Education Program .....	1,500,000	1,500,000
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(e) Financial Assistance Program . 183,623,995

The proposed spending plan for the above is as follows:

Basic Skills Program ..... 165,464

Elementary Teachers Scholarships ... 25,000

(To be paid in accordance with Title 16, Chapter 23, Section 17, 1975 Code of Alabama as amended) Emergency Secondary Teachers Scholarships ..... 100,000

(To be paid in accordance with Title 16, Chapter 23, Sections 18 through 23, 1975 Code of Alabama as amended.)

**SOURCE OF FUNDS:**

(1) ASETF ..... 290,464

(2) Federal and Local Funds . 183,333,531

Total Financial Assistance Program .....	290,464	183,333,531	183,623,995
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(f) Instructional Technical Assistance Program ..... 7,363,513

The proposed spending plan for the above is as follows:

Career Education . 98,000



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Instructional Technical Assistance . . .	523,441		
Special Education Administration . . . .	450,000		
Vocational Education Administration . . . . .	651,000		
<b>SOURCE OF FUNDS:</b>			
(1) ASETF . . . . .	1,722,441		
(2) Federal and Local Funds . . . . .		5,641,072	
<hr/>			
<b>Total Instructional Technical Assistance Program . . . . .</b>	<b>1,722,441</b>	<b>5,641,072</b>	<b>7,363,513</b>
<hr/>			
(g) Local Agency Support Program . . . . .			10,253,028
The proposed spending plan for the above is as follows:			
Driver Education, School Bus Driver Training and Vehicle Safety Inspection . . . . .	205,000		
Free Textbooks . . .	7,887,700		
School Facilities and Architectural Services . . . . .	71,000		
Testing . . . . .	500,000		
<b>SOURCE OF FUNDS:</b>			
(1) ASETF . . . . .	8,663,700		
(2) Federal and Local Funds . . . . .		1,589,328	
<hr/>			
<b>Total Local Agency Support Program . . . . .</b>	<b>8,663,700</b>	<b>1,589,328</b>	<b>10,253,028</b>
<hr/>			
(h) Regulation Program . . . . .			1,159,557
The proposed spending plan for the above is as follows:			
Teacher Certification and Accreditation . . . . .	257,105		
<b>SOURCE OF FUNDS:</b>			
(1) ASETF . . . . .	257,105		
(2) Federal and Local Funds . . . . .		902,452	
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Total Regulation Program . . . .		257,105	902,452	1,159,557
<hr/>				
(i)	Support of Other Educational Activities Program . . . . .			9,300
	The proposed spending plan for the above is as follows:			
	Education of Dependents of Blind Parents . . . . .			
		9,300		
	SOURCE OF FUNDS:			
	(1) ASETF . . . . .	9,300		
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Total Support of Other Educational Activities Program . . . .		9,300		9,300
<hr/>				
	For reimbursement of every State Institution of Higher Learning, College, University, or Vocational-Technical School or Junior College in which benefits are given to dependents of blind parents under the provisions of Title 16, Chapter 33, Section 4, 1975 Code of Alabama as amended.			
(j)	Support of State Universities Program . . . . .			50,000
	SOURCE OF FUNDS:			
	(1) Federal and Local Funds . . . . .	50,000		
<hr/>				
Total Support of State Universities Program . . . . .		50,000		50,000
<hr/>				
(k)	Projects—Vocation Rehabilitation/Crippled Children Services Program . . . . .			484,000
	SOURCE OF FUNDS:			
	(1) Federal and Local Funds . . . . .	484,000		
<hr/>				
Total Projects—Vocation Rehabilitation/Crippled Children Services Program . . . . .		484,000		484,000
<hr/>				
(l)	Disability Determination for Social Security Program . . . . .			17,540,041

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**SOURCE OF FUNDS:**

(1) Federal and Local Funds .....	17,540,041	
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Total Disability Determination for Social Security Program ...	17,540,041	17,540,041
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**TOTAL DEPARTMENT OF  
EDUCATION:**

**SOURCE OF FUNDS:**

(1) ASETF .....	30,773,374	
(2) Federal and Local Funds .....	245,057,492	

GRAND TOTAL DEPART- MENT OF EDUCATION	30,773,374	245,057,492	275,830,866
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**6. EXAMINERS OF PUBLIC  
ACCOUNTS:**

(a) Legislative Support-Audit Ser- vices Program .....		1,100,000
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For purposes of auditing all  
phases of public education.

**SOURCE OF FUNDS:**

(1) ASETF—Transfer .....	1,100,000	
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Total Examiners of Public Ac- counts .....	1,100,000	1,100,000
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**7. FINE ARTS, ALABAMA SCHOOL  
OF:**

(a) Fine Arts Program .....		1,016,254
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**SOURCE OF FUNDS:**

(1) ASETF .....	815,670	
(2) Federal and Local Funds .....	200,584	

Total Alabama School of Fine Arts .....	815,670	200,584	1,016,254
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**8. FIREFIGHTERS' PERSONNEL  
STANDARDS AND EDUCATION  
COMMISSION, ALABAMA:**

(a) Professional and Occupational Licensing and Regulation Pro- gram .....		105,946
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The appropriation to the Alabama Firefighters' Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of \$188.

SOURCE OF FUNDS:

(1) ASETF—Transfer .....	105,946	
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Total Alabama Firefighters' Personnel Standards and Education Commission .....	105,946	105,946
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9. HEALTH, DEPARTMENT OF  
PUBLIC:

(a) Health Support Services Program for Public School Food Sanitation .....

195,794

(b) Personal Health Improvement Program.

(1) Perinatal Activities .....

791,706

Provided, however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee on Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

(2) Immunization Activities ..  
For immunization of pre-school children and students.

200,000

SOURCE OF FUNDS:

(1) ASETF—Transfer .....	1,187,500	
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Total Department of Public Health .....	1,187,500	1,187,500
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10. HIGHER EDUCATION,  
ALABAMA COMMISSION ON:

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(a) Planning & Coordination Services Program .....			1,069,100
(b) Support of Other Educational Activities Program .....			5,091,703
(Of the above program \$3,000,000 of the ASETF funds shall be expended for the Alabama Student Grant Program in accordance with Title 16, Chapter 33A, Sections 1 through 11, 1975 Code of Alabama as amended.)			
SOURCE OF FUNDS:			
(1) ASETF .....	4,069,100		
(2) Federal and Local Funds .....		2,091,703	
Total Alabama Commission on Higher Education .....	4,069,100	2,091,703	6,160,803
11. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE, ALABAMA:			
(a) Industrial Training Program ..			1,503,000
SOURCE OF FUNDS:			
(1) ASETF .....	1,450,000		
(2) Federal and Local Funds .....		53,000	
Total Alabama Industrial Development Training Institute ..	1,450,000	53,000	1,503,000
12. EMPLOYEES' INSURANCE, STATE .....			
			1,140,000
SOURCE OF FUNDS:			
(1) ASETF .....	1,140,000		
Total State Employees' Insurance .....	1,140,000		1,140,000
13. STATE BOARD OF EDUCATION—JUNIOR COLLEGE SCHOOL SYSTEM:			
(a) Postsecondary Two Year Institutions Program .....			74,634,018

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## SOURCE OF FUNDS:

(1) ASETF .....	45,084,825		
(2) Federal and Local Funds .....		6,963,956	
(3) State Funds .....		250,174	
(4) Other Funds .....		16,637,397	
(5) Auxiliary Enterprises .....		5,697,666	
<hr/>			
Total Junior College School System .....	45,084,825	29,549,193	74,634,018

This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed herein and is to be distributed on the following formula:

- (A) \$200,000 to each Junior College.
- (B) The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1982-83 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the 1982-83 academic year in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded; related courses will be funded the same as non-health programs. Junior Colleges with credit producing programs in Alabama Correctional Institutions shall be reim-

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bursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges:

- (1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.) Of the above appropriations contained herein in Section 3-A-13 not more than the sum of

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\$308,569 may be used by  
the State Board of Educa-  
tion-Postsecondary Edu-  
cation Department for ad-  
ministration of the Junior  
College School System.

**14. LAW INSTITUTE, ALABAMA:**

(a) Support of Other Educational Activities Program .....	251,068
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**SOURCE OF FUNDS:**

(1) ASETF .....	251,068
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Total Alabama Law Institute ..	251,068	251,068
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**15. THEODORE A. LAWSON STATE  
COMMUNITY COLLEGE:**

(a) Postsecondary Two Year Insti- tutions Program .....	15,000
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**SOURCE OF FUNDS:**

(1) ASETF .....	15,000
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Total Theodore A. Lawson State Community College .....	15,000	15,000
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**16. LEGISLATURE:**

(a) House Operations & Support Program .....	940,500
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(b) Senate Operations & Support Program .....	627,000
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(c) Legislative Data Processing Program .....	200,000
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**SOURCE OF FUNDS:**

(1) ASETF-Transfer .....	1,767,500
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Total Legislature .....	1,767,500	1,767,500
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**17. LIBRARY SERVICE, PUBLIC:**

(a) Public Library Service Pro- gram .....	4,727,983
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The appropriation to the Pub-  
lic Library Service shall in-  
clude a transfer to the State  
Personnel Department of



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\$3,765.

**SOURCE OF FUNDS:**

(1) ASETF .....	3,494,490		
(2) Federal and Local Funds .....		1,233,493	
Total Public Library Service ..	3,494,490	1,233,493	4,727,983

**18. MARINE ENVIRONMENTAL  
SCIENCES CONSORTIUM:**

(a) Support of Other Educational Activities Program .....			800,000
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**SOURCE OF FUNDS:**

(1) ASETF .....	600,000		
(2) Federal and Local Funds .....		200,000	
Total Marine Environmental Sciences Consortium .....	600,000	200,000	800,000

**19. MEDICAL SCHOLARSHIPS  
AWARDS, BOARD OF:**

(a) Support of Other Educational Activities Program .....			704,000
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**SOURCE OF FUNDS:**

(1) ASETF .....	704,000		
Total Board of Medical Schol- arships Awards .....	704,000		704,000

(To be expended under the provisions of Title 16, Chapter 47, Sections 121 through 129, 1975 Code of Alabama as amended.)

**20. MINIMUM PROGRAM AND  
PUBLIC SCHOOL FUND:**

(a) Financial Assistance Program ..			519,589,766
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**SOURCE OF FUNDS:**

(1) ASETF .....	474,913,281		
(2) Public School Fund .....		40,000,000	
(3) Local Funds .....		4,676,485	
Total Minimum Program and Public School Fund .....	474,913,281	44,676,485	519,589,766

The above appropriation shall be paid in accordance with Title 16, Chapter 13, Sections 50 through 59, 1975 Code of Alabama as amended, and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1983-84 is based on 22,972 teacher units.

It is provided in the event there are more than 22,972 earned teacher units for the fiscal year 1983-84, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$392,341,017. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$18,892	2,623.11	\$ 49,555,794
I	17,689	12,846.14	227,235,370
II	15,401	7,502.75	115,549,853
III	12,967	0	0
IV	11,261	0	0
		22,972.00	\$392,341,017

For "Other Current Expense" an amount not to exceed \$3,185.32 for each earned teacher unit but the total shall not exceed the sum of \$73,173,171. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,490,194.

For "Principal Supplement" an amount not to exceed the total of \$2,297,200.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$50,138,184.

## 21. STATE BOARD OF EDUCATION- LOCAL BOARDS:

### (a) Financial Assistance Program

278,636,066

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**SOURCE OF FUNDS:**

(1) ASETF ..... 278,636,066

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Total State Board of Educa-  
tion-Local Boards ..... 278,636,066                      278,636,066

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To be distributed by the State  
Board of Education for:

- (a) Hospital Medical or Dental In-  
surance Assistance for Profes-  
sional Staff, Support Staff, and  
Adult School Bus  
Drivers ..... 21,444,990

Of the appropriation herein-  
above made for Hospital Medi-  
cal or Dental Insurance there is  
hereby appropriated the sum of  
three hundred fifty seven dol-  
lars (\$357.00) per annum per  
teacher, administrative super-  
visory unit, full-time support  
employee, and adult school bus  
driver, provided that no more  
than \$357.00 shall be appropri-  
ated per person.

- (b) Teachers' Sick Leave 3,500,000

Of the appropriation herein-  
above made for Teachers' Sick  
Leave, the rate of not more  
than \$17 per day is hereby ap-  
propriated.

- (c) Support Personnel Sick  
Leave ..... 1,431,781

Of the appropriation herein-  
above made for support per-  
sonnel sick leave in accordance  
with Title 16, Chapter 1, Sec-  
tion 18, 1975 Code of Alabama  
as amended, the rate of not  
more than \$17 per day is  
hereby appropriated.

- (d) Teachers' Personal  
Leave ..... 957,707

The appropriation hereinabove  
made for Teachers' Personal  
Leave provides for two (2) days

personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title IV and Title VI teachers and ESAA teachers).

- (e) Funds to Replace Fees ..... 9,457,230

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred fifty dollars (\$250) per teacher unit for grades K-12 for all teachers employed (except ESEA Title I, Title IV, and Title VI teachers and ESAA teachers).

- (f) Maintenance ..... 5,630,287

- (g) Continuation of funds previously granted for Special Education ..... 21,844,551

- (h) Special Schools for Special Education ..... 2,148,000

To be distributed by the State Board of Education as follows: \$350,000 shall be allocated to the Tuscaloosa Regional Handicapped School; \$350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$250,000 for the Vivian B. Adams School; \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; \$25,000 shall be allocated to the Hope Haven School in Colbert County; \$25,000 shall be allocated to the Jasper Shriner School; \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; \$25,000 shall be allocated to Project In-

dependence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$43,000 to Auburn University Preschool for Multi-handicapped children; \$75,000 to the Alice Pigman School; \$75,000 to the Montgomery County Board of Education for the purpose of establishing a pilot program for deaf students in Public Schools; \$300,000 shall be allocated to the McInnis School in Montgomery, Alabama; \$50,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$30,000 shall be allocated to the Geneva County Day Care and Training Center; \$150,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$75,000 shall be allocated to the Cleveland School for the Handicapped; \$35,000 shall be allocated to the South Talladega County Association for Retarded Citizens, Inc.; \$10,000 shall be allocated to the ECHO FOUNDATION; \$145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Title 16, Chapter 39, Section 3, 1975 Code of Alabama as amended, and P.L. 94-142.

- (i) Kindergarten teacher  
units ..... 29,600,990

The above appropriation is for 1,500 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$24,725,705. The

State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$18,892	58.35	\$ 1,102,348
I	17,689	620.85	10,982,216
II	15,401	820.80	12,641,141
		<u>1,500.00</u>	<u>\$24,725,705</u>

For "Other Current Expense" an amount not to exceed \$3,185.32 for each earned teacher unit but the total shall not exceed the sum of \$4,777,980. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$97,305.

- (j) Continuation of Teacher Units  
to reduce pupil-teacher ratio in  
grades 1-6 ..... 13,211,272

The above appropriation is for  
650 teacher units and includes  
salaries, other current expense,  
and capital improvements at the  
following rates:

For "Salaries" the sum shall not exceed \$11,098,649. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$18,892	74.03	\$ 1,398,575
I	17,689	362.57	6,413,501
II	15,401	213.40	3,286,573
		<u>650.00</u>	<u>\$11,098,649</u>

For "Other Current Expense" an amount not to exceed \$3,185.32 for each earned teacher unit but the total shall not exceed the sum of \$2,070,458. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,165.

- (k) Supportive Teacher  
Units ..... 34,093,756

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units

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in the Minimum Program, Kindergarten Teacher Units in (i), and Continuation Teacher Units in (j). The above appropriation is for 1,674 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$28,652,938. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$18,892	208.37	\$ 3,936,526
I	17,689	937.17	16,577,600
II	15,401	528.46	8,138,812
		1,674.00	\$28,652,938

For "Other Current Expense" an amount not to exceed \$3,185.32 for each earned teacher unit but the total shall not exceed the sum of \$5,332,226. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$108,592.

- (1) Special Education  
Teacher Units . . . . 66,856,182  
The above appropriation is for  
3,250 teacher units and includes salaries, other current expense, capital improvements and transportation at the following rates:

For "Salaries" the sum shall not exceed \$55,493,064. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$18,892	370.00	\$ 6,990,040
I	17,689	1,813.00	32,070,157
II	15,401	1,067.00	16,432,867
		3,250.00	\$55,493,064

For "Other Current Expense" an amount not to exceed \$3,185.32 for each earned teacher unit but the total shall not exceed the sum of \$10,352,290. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed \$64.87 for each

earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$800,000.

(m) Driver Education

Teacher Units . . . . 5,951,173

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$5,008,618. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of Teacher Units</u>	<u>Total</u>
AA	\$18,892	36.90	\$ 697,115
I	17,689	180.73	3,196,933
II	15,401	72.37	1,114,570
		290.00	\$ 5,008,618

For "Other Current Expense" an amount not to exceed \$3,185.32 for each earned teacher unit but the total shall not exceed the sum of \$923,743. This amount includes level funding for all lunchroom worker salaries with the intent that all lunchrooms be fully funded by local school boards.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$18,812.

(n) Vocational Education 62,508,147

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the \$62,508,147, \$1,200,000 shall be allocated for handicapped students in Vocational Education. Of the above appropriation for Vocational Education, one unit shall be allocated to the Vinemont High School in Cullman County.

22. NURSING, ALABAMA BOARD

OF:

(a) Professional and Occupational  
Licensing and Regulation Program . . . . .

687,500

The appropriation to the Alabama Board of Nursing shall include a transfer to the State Personnel Department of \$816.



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**SOURCE OF FUNDS:**

(1) ASETF-Transfer—as provided in Title 34, Chapter 21, Sections 60 through 63, 1975 Code of Alabama as amended .....	57,000		
(2) Alabama Board of Nursing Trust Fund—as provided in Title 34, Chapter 21, 1975 Code of Alabama as amended .....		630,500	
<b>Total Alabama Board of Nursing .....</b>	<b>57,000</b>	<b>630,500</b>	<b>687,500</b>

**23. PEACE OFFICERS' STANDARDS  
AND TRAINING COMMISSION,  
ALABAMA:**

(a) Professional and Occupational Licensing and Regulation Program .....	146,998
(b) Certified Law Enforcement Academy Program .....	450,000

The appropriation to the Alabama Peace Officers' Standards and Training Commission shall include a transfer to the State Personnel Department of \$188.

**SOURCE OF FUNDS:**

(1) ASETF .....	146,998		
(2) Alabama Peace Officers' Standards and Training Fund—as provided in Title 36, Chapter 21, 1975 Code of Alabama as amended .....		450,000	
<b>Total Alabama Peace Officers' Standards and Training Commission .....</b>	<b>146,998</b>	<b>450,000</b>	<b>596,998</b>

**24. PHYSICAL FITNESS,  
COMMISSION ON:**

(a) Advisory Services Program ...	155,000
The appropriation to the Com-	

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mission on Physical Fitness shall include a transfer to the State Personnel Department of \$251.

**SOURCE OF FUNDS:**

(1) ASETF .....	155,000	
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Total Commission on Physical Fitness .....	155,000	155,000
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**25. STATE BOARD OF EDUCATION-  
POSTSECONDARY  
VOCATIONAL-TECHNICAL  
EDUCATION SYSTEM:**

(a) Postsecondary Two Year Institutions Program .....	57,412,479
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**SOURCE OF FUNDS:**

(1) ASETF .....	37,755,071	
(2) Federal and Local Funds .....	2,124,780	
(3) State Funds .....	649,526	
(4) Other Funds .....	12,413,558	
(5) Auxiliary Enterprises .....	4,469,544	
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Total Postsecondary Vocational-Technical Education System .....	37,755,071	19,657,408	57,412,479
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(A) For the operations and maintenance of the Vocational-Technical Schools listed herein, to be distributed in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between schools. The application of the formula shall be standard for all schools. Technical schools with programs generating contact hours at Alabama Correctional Institutions shall be reimbursed for tuition. The above appropriation is to be distributed to the following Vocational-Technical Schools:

- (1) Atmore State Technical

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College; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical College; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama State Technical College; (16) N. F. Nunnolley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncy Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville). Of the above appropriations contained herein in Section 3-A-25 not more than the sum of \$308,569 may be used by the State Board of Education-Postsecondary Edu-

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cation Department for adminis-  
tration of the Postsecondary  
Vocational-Technical Educa-  
tion System.

**26. PUBLIC SCHOOL AND  
COLLEGE AUTHORITY,  
ALABAMA:**

(a) Special Services Program .....	1,700,000
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**SOURCE OF FUNDS:**

(1) ASETF .....	1,700,000
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Total Alabama Public School and College Authority .....	1,700,000	1,700,000
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**27. RETIREMENT SYSTEM OF  
ALABAMA, EMPLOYEES'  
(ASETF SHARE):**

(a) Retirement Systems Program, Estimated .....	279,200
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**SOURCE OF FUNDS:**

(1) ASETF .....	279,200
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Total Employees' Retirement System of Alabama (ASETF Share) .....	279,200	279,200
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**28. RETIREMENT SYSTEM OF  
ALABAMA, TEACHERS' (ASETF  
SHARE):**

(a) Retirement Systems Program, Estimated .....	193,000,000
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**SOURCE OF FUNDS:**

(1) ASETF—Teachers' Re- tirement System, Estim- ated .....	169,309,000
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(2) ASETF—Teachers' Spe- cial Pension Fund, Esti- mated .....	23,691,000
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Total Teachers' Retirement System of Alabama (ASETF Share) .....	193,000,000	193,000,000
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**29. SHELTON STATE COMMUNITY  
COLLEGE-ALABAMA STATE  
FIRE COLLEGE:**

(a) Postsecondary Two Year Institutions Program .....			527,697
SOURCE OF FUNDS:			
(1) ASETF .....	227,993		
(2) Federal and Local Funds .....		299,704	
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Total Shelton State Community College-State Fire College .....	227,993	299,704	527,697
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**30. SOCIAL SECURITY (ASETF  
SHARE):**

(a) For State's share of Social Security, Estimated .....			97,281,145
SOURCE OF FUNDS:			
(1) ASETF .....	97,281,145		
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Total Social Security (ASETF Share) .....	97,281,145		97,281,145
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**31. TENURE COMMISSION, STATE:**

(a) Regulation Program .....			8,000
SOURCE OF FUNDS:			
(1) ASETF .....	8,000		
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Total State Tenure Commission .....	8,000		8,000
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**32. TELEVISION COMMISSION,  
EDUCATIONAL:**

(a) Educational TV Services Program .....			2,785,678
(b) Public Radio Services Program .....			235,484
The appropriation to the Educational Television Commission shall include a transfer to the State Personnel Department of \$5,271.			
SOURCE OF FUNDS:			
(1) ASETF .....	2,121,162		
(2) Federal and Local Funds .....		900,000	
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Total Educational Television Commission .....	2,121,162	900,000	3,021,162
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33. UNEMPLOYMENT  
COMPENSATION LOCAL  
BOARDS: .....

3,500,000

SOURCE OF FUNDS:

(1) ASETF, Estimated .....	3,500,000	
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Total Unemployment Compensation Local Boards .....	3,500,000	3,500,000
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34. VETERANS' EDUCATION  
BENEFITS:

(a) Administration of Veterans' Affairs Program .....

2,200,000

SOURCE OF FUNDS:

(1) ASETF-Transfer .....	2,200,000	
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Total Veterans' Education Benefits .....	2,200,000	2,200,000
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The above appropriation includes pro rata administration costs of the Department of Veterans Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, Junior College, or Vocational-Technical School in which benefits are given to Veterans, their wives, widows, or children under the provision of Title 31, Chapter 5, 1975 Code of Alabama as amended.

35. YOUTH SERVICES,  
DEPARTMENT OF:

(a) Youth Services Program .....

11,262,560

The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$21,209.

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**SOURCE OF FUNDS:**

(1) ASETF .....	10,318,769		
(2) Federal and Local Funds .....		943,791	
<hr/>			
Total Department of Youth Services .....	10,318,769	943,791	11,262,560
<hr/>			

(To be expended in accordance  
with Title 44, Chapter 1, 1975  
Code of Alabama as amended.)

**B. FINANCIAL ASSISTANCE TO NON-  
STATE EDUCATIONAL AGENCIES:**

**1. AMERICAN LEGION AND  
AUXILIARY SCHOLARSHIPS:**

(a) Support of Other Educational Activities Program .....	5,200
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**SOURCE OF FUNDS:**

(1) ASETF .....	5,200	
<hr/>		
Total American Legion and Auxiliary Scholarships .....	5,200	5,200
<hr/>		

(To be expended under the  
provisions of Title 16, Chapter  
31, Sections 1 through 4, 1975  
Code of Alabama as amended.)

**2. SYLACAUGA NURSES  
TRAINING SCHOOL:**

(a) Support of Other Educational Activities Program .....	84,600
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**SOURCE OF FUNDS:**

(1) ASETF .....	84,600	
<hr/>		
Total Sylacauga Nurses Training School .....	84,600	84,600
<hr/>		

**3. DAR SCHOOL:**

(a) Support of Other Educational Activities Program .....	17,000
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**SOURCE OF FUNDS:**

(1) ASETF .....	17,000	
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Total DAR School .....	17,000	17,000
<hr/>		

4. ENVIRONMENTAL QUALITY  
ASSOCIATION, ALABAMA:

The Alabama Legislature  
recognizes:

(1) the limited funding sources that are available at this time for the delivery of State services; (2) the important contribution to the public that is being made by the Alabama Environmental Quality Association; and (3) the sound financial status that said Association has achieved. Now, therefore, the Alabama Legislature hereby authorizes the continued operation of the Alabama Environmental Quality Association for the 1983-84 fiscal year, and that such operation during that time period be funded from said Association's own funding sources.

## Section 4:

COLLEGES, UNIVERSITIES AND  
SCHOOLSI. BOARD OF TRUSTEES OF  
UNIVERSITY OF ALABAMA:

## A. The University

1. Operations and Maintenance .....	37,632,677	25,682,000	63,314,677
2. Gadsden Educational Program .....	206,000	79,000	285,000
3. Center for Emotionally Disturbed Children .....	548,000	30,000	578,000
4. Legal Education/Research .....	185,000		185,000
5. Nursing Scholarships .....	18,000		18,000
6. Capstone Medical Center .....	862,000	665,130	1,527,130
7. Alabama Museum of Natural History .....	172,000	67,900	239,900
8. College of Community Health Sciences Medical Education .....	2,503,000	141,200	2,644,200
9. Research, Extension and Public Service .....	2,139,000	353,956	2,492,956
10. School of Mines and Energy Development .....	1,883,000		1,883,000



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11. Advocacy Program for the Developmentally Disabled .....	25,000	25,000
12. Emergency Medical Services .....	145,000	145,000
13. Rural Infant Stimulation Environment Program .....	169,000	169,000
14. High Risk Nursery .....	117,000	117,000
15. Safe State and Research and Development Program .....	378,000	378,000
16. Auxiliary Enterprises .....	21,707,774	21,707,774
17. Restricted Funds .....	13,218,000	13,218,000

**SOURCE OF FUNDS:**

(1) ASETF .....	46,982,677	
(2) Other Funds .....	61,944,960	
<b>Total University of Alabama ..</b>	<b>46,982,677</b>	<b>61,944,960 108,927,637</b>

**B. University of Alabama in Birmingham**

1. University College .....	15,826,766	17,506,748	33,333,514
2. Family Practice Residency Programs .....	1,598,836		1,598,836

The above appropriation shall be expended for residency programs as follows:

Anniston .....	251,726		
East End .....	251,726		
Jefferson County ..	251,726		
Montgomery .....	251,726		
Selma .....	340,206		
Gadsden .....	251,726		
3. School of Medicine .....	17,391,769	11,620,000	29,011,769
4. University Hospitals .....	5,952,098	146,497,186	152,449,284
5. School of Optometry .....	2,403,236	1,571,140	3,974,376
6. School of Community and Allied Health .....	2,190,921	994,700	3,185,621
7. Regional Technical Institute .....	1,969,736	245,300	2,215,036
8. Joint Health Sciences .....	3,219,285	942,000	4,161,285
9. Department of Pediatrics .....	417,145		417,145

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10. Center for Labor Education and Research .....	270,789		270,789
11. Student Nurses Loans .....	12,000		12,000
12. Urban Research and Public Service .....	512,005		512,005
13. School of Dentistry .....	7,688,697	4,188,100	11,876,797
14. Nursing Scholarships .....	88,000		88,000
15. System Medical Education Program .....	502,693		502,693
16. School of Nursing .....	3,430,027	1,167,281	4,597,308
17. Health-Related Research and Public Service .....	2,903,774		2,903,774
18. Public Health Research Program .....	143,534		143,534
19. Emergency Medical Service and Training .....	164,630		164,630
20. Medical Genetics Program .....	389,501		389,501
21. Hypertension Research .....	399,351		399,351
22. Multipurpose Arthritis Center .....	399,351		399,351
23. School of Engineering and Business .....	438,869		438,869
24. School of Public Health .....	1,508,672	352,380	1,861,052
25. Montgomery Internal Medical Residency .....	234,959		234,959
26. Research Development & Relations .....	149,409		149,409
27. Center for Basic Sciences Reward for Cystic Fibrosis .....	85,000		85,000
28. Center for Diagnosis and Treatment of Congenital Heart Disease .....	85,000		85,000
29. Special Mental Health .....		3,659,382	3,659,382
Of this amount, \$205,094 shall be expended for Psychiatric Research			
30. Center for Developmental and Learning Disorders .....		618,596	618,596
31. Biomedical Sciences Program .....	75,000		75,000
32. Auxiliary Enterprises .....		8,056,200	8,056,200
33. Restricted Funds .....		48,000,000	48,000,000

SOURCE OF FUNDS:

(1) ASETF .....

70,451,053

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(2) Special Mental Health

Trust Fund .....	4,277,978
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(3) Other Funds .....	241,141,035
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Total University of Alabama in Birmingham .....	70,451,053	245,419,013	315,870,066
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C. University of Alabama in Huntsville

1. Operations and Maintenance .....	7,999,666	10,803,898	18,803,564
2. Nursing Scholarships .....	18,000		18,000
3. School of Primary Medical Care ...	2,812,903	135,947	2,948,850
4. Johnson Environmental and Energy Center .....	361,154	7,529	368,683
5. Ambulatory Care Center .....	848,017	582,000	1,430,017
6. School of Nursing .....	937,457	285,582	1,223,039
7. Paramedic Training .....	123,468	31,629	155,097
8. Alabama Solar Energy Center .....	356,667	7,441	364,108
9. Center for Management and Economic Research .....	46,800		46,800
10. Community Medicine Rural Preceptorship Program .....	32,538		32,538
11. Research Institute .....	150,000	136,574	286,574
12. Auxiliary Enterprises .....		2,356,632	2,356,632

SOURCE OF FUNDS:

(1) ASETF .....	13,686,670
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(2) Other Funds .....	14,347,232
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Total University of Alabama in Huntsville .....	13,686,670	14,347,232	28,033,902
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II. Board of Trustees of Alabama A & M University

A. Alabama A & M University

1. Operations and Maintenance .....	9,512,416	12,182,000	21,694,416
2. Vocational Teacher Training .....	264,595		264,595
3. Cooperative Extension, Research and Service .....	300,000		300,000
4. Auxiliary Enterprises .....		4,586,995	4,586,995

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**SOURCE OF FUNDS:**

(1) ASETF .....	10,077,011		
(2) Other Funds .....		16,768,995	
<hr/>			
<b>Total Alabama A &amp; M University .....</b>	<b>10,077,011</b>	<b>16,768,995</b>	<b>26,846,006</b>
<hr/>			

**III. Board of Trustees of Alabama State University****A. Alabama State University**

1. Operations and Maintenance .....	8,702,976	9,325,326	18,028,302
2. Auxiliary Enterprises .....		4,095,482	4,095,482
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**SOURCE OF FUNDS:**

(1) ASETF .....	8,702,976		
(2) Other Funds .....		13,420,808	
<hr/>			
<b>Total Alabama State University .....</b>	<b>8,702,976</b>	<b>13,420,808</b>	<b>22,123,784</b>
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**IV. State Board of Education****A. Athens State College**

1. Operations and Maintenance .....	2,025,676	890,369	2,916,045
2. Auxiliary Enterprises .....		202,088	202,088
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**SOURCE OF FUNDS:**

(1) ASETF .....	2,025,676		
(2) Other Funds .....		1,092,457	
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<b>Total Athens State College .....</b>	<b>2,025,676</b>	<b>1,092,457</b>	<b>3,118,133</b>
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**V. Board of Trustees of Auburn University****A. Auburn University**

1. Operations and Maintenance .....	41,935,326	41,507,352	83,442,678
2. Educational Television .....	386,506		386,506
3. Center for Vocational and Adult Education .....	548,910		548,910
4. Clinical Psychology .....	120,760		120,760
5. Ralph Draughon Library .....	225,000		225,000
6. Engineering Experiment Station .....	1,169,351		1,169,351

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7. Public Service, Research and Extension .....	396,159		396,159
8. Energy Research .....	282,971		282,971
9. Food Animal Health & Disease Research .....	350,000		350,000
10. Auxiliary Enterprises .....	21,823,360	21,823,360	

**SOURCE OF FUNDS:**

(1) ASETF .....	45,414,983		
(2) Other Funds .....	63,330,712		
Total Auburn University .....	45,414,983	63,330,712	108,745,695

**B. Agricultural Experiment Station**

1. Operations and Maintenance .....	8,696,497	11,476,975	20,173,472
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**SOURCE OF FUNDS:**

(1) ASETF .....	8,696,497		
(2) Other Funds .....	11,476,975		

Total Agricultural Experiment Station .....	8,696,497	11,476,975	20,173,472
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**C. Cooperative Extension Service**

1. Operations and Maintenance .....	9,420,710	9,935,891	19,356,601
2. Retirement .....	1,400,000		1,400,000

**SOURCE OF FUNDS:**

(1) ASETF .....	10,820,710		
(2) Other Funds .....	9,935,891		

Total Cooperative Extension Service .....	10,820,710	9,935,891	20,756,601
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**D. Auburn University at Montgomery**

1. Operations and Maintenance .....	7,177,834	6,839,365	14,017,199
2. Montgomery Area Community Health Sciences Institute .....	50,949		50,949

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3. Public Service, Research and Extension (Center for Government and Public Affairs) .....	167,751	75,647	243,398
4. Auxiliary Enterprises .....		1,803,079	1,803,079
b. Nursing Scholarships .....	18,000		18,000

SOURCE OF FUNDS:

(1) ASETF .....	7,414,534		
(2) Other Funds .....		8,718,091	
Total Auburn University at Montgomery .....	7,414,534	8,718,091	16,132,625

VI. Board of Trustees of Jacksonville State University

A. Jacksonville State University

1. Operations and Maintenance .....	11,942,641	7,540,000	19,482,641
2. Cooperative University Upper Division Program - Gadsden .....	464,000	25,000	489,000
3. Nursing Scholarships .....	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama ..	100,793		100,793
5. Vocational Teacher Training .....	100,793		100,793
6. Auxiliary Enterprises .....		2,587,468	2,587,468

SOURCE OF FUNDS:

(1) ASETF .....	12,626,227		
(2) Other Funds .....		10,152,468	
Total Jacksonville State University .....	12,626,227	10,152,468	22,778,695

VII. Board of Trustees of Livingston University

A. Livingston University

1. Operations and Maintenance .....	4,200,680	1,435,455	5,636,135
2. Nursing Scholarships .....	18,000		18,000
3. Auxiliary Enterprises .....		1,604,722	1,604,722

SOURCE OF FUNDS:

(1) ASETF .....	4,218,680		
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(2) Other Funds .....		3,040,177	
Total Livingston University ...	4,218,680	3,040,177	7,258,857

**VIII. Board of Trustees of University of Montevallo**

**A. University of Montevallo**

1. Operations and Maintenance .....	6,189,577	3,784,221	9,973,798
2. School for Aphasic Children .....	220,295		220,295
3. Highway Safety Program .....	137,579		137,579
4. Communication Center .....	69,597		69,597
5. Auxiliary Enterprises .....		2,924,185	2,924,185

**SOURCE OF FUNDS:**

(1) ASETF .....	6,617,048		
(2) Other Funds .....		6,708,406	

Total University of Montevallo	6,617,048	6,708,406	13,325,454
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**IX. Board of Trustees of University of North Alabama**

**A. University of North Alabama**

1. Operations and Maintenance .....	8,527,617	5,941,013	14,468,630
2. Research and Public Service .....	250,000		250,000
3. Nursing Scholarships .....	18,000		18,000
4. Auxiliary Enterprises .....		2,318,006	2,318,006

**SOURCE OF FUNDS:**

(1) ASETF .....	8,795,617		
(2) Other Funds .....		8,259,019	

Total University of North Alabama .....	8,795,617	8,259,019	17,054,636
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**X. Board of Trustees of University of South Alabama**

**A. University of South Alabama**

1. Operations and Maintenance .....	12,540,960	21,681,008	34,221,968
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2. Medical Research and Public Service .....	284,223		284,223
3. Family Practice Residency Program .....	568,293		568,293
4. College of Medicine .....	9,285,484	5,092,958	14,378,442
5. Medical Center Hospital .....	1,144,714	33,340,557	40,494,271
6. College of Allied Health .....	770,640	261,300	1,031,940
7. School of Nursing .....	709,493	320,930	1,030,423
8. Nursing Scholarships .....	18,000		18,000
9. Paramedic Training Program .....	140,808	75,000	215,808
10. Newborn Growth and Development Program .....	80,834		80,834
11. Birth Defects and Genetic Center ..	199,587		199,587
12. Research, Public Service and Extension .....	92,916	60,000	152,916
13. Basic Medical Sciences .....	276,400	75,000	351,400
14. Auxiliary Enterprises .....		6,457,386	6,457,386

**SOURCE OF FUNDS:**

(1) ASETF .....	26,112,352		
(2) Other Funds .....		73,373,139	

Total University of South Alabama .....	26,112,352	73,373,139	99,485,491
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**XI. Board of Trustees of Troy State University**

**A. Troy State University**

1. Operations and Maintenance at Troy .....	7,661,057	7,041,245	14,702,302
2. Operations and Maintenance at Ft. Rucker/Dothan .....	1,158,262	1,410,610	2,568,872
3. Operations and Maintenance at Montgomery .....	417,999	1,531,200	1,949,199
4. Nursing Scholarships .....	36,000		36,000
5. Operations and Maintenance at Bay Minette .....	112,471	160,000	272,471
6. Library at Montgomery .....	120,000		120,000
7. School of Nursing-Montgomery ....	250,000	1,075	251,075



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8. Branch Campus at Phenix City . . . .	219,341	310,894	530,235
9. Auxiliary Enterprises . . . . .		3,853,925	3,853,925

**SOURCE OF FUNDS:**

(1) ASETF . . . . .	9,975,130		
(2) Other Funds . . . . .		14,308,949	

Total Troy State University . .	9,975,130	14,308,949	24,284,079
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**XII. Board of Trustees for Alabama Institute  
for Deaf and Blind**

1. Children and Youth Programs . . . .	6,428,326	1,026,438	7,454,764
2. E. H. Gentry Technical Facility . . .	1,865,476	2,158,545	4,024,021
3. Industries for the Blind . . . . .	577,090	9,722,592	10,299,682

**SOURCE OF FUNDS:**

(1) ASETF . . . . .	8,870,892		
(2) Other Funds . . . . .		12,907,575	

Total Alabama Institute for Deaf and Blind . . . . .	8,870,892	12,907,575	21,778,467
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**Section 5.**

**A. SPECIAL MENTAL HEALTH FUND:**

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$3,659,382 to be expended for Special Mental Health.

(2) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$618,596 to be expended for the Center for Developmental and Learning Disorders.

**B. ALABAMA BOARD OF NURSING TRUST FUND:**

There is hereby appropriated from the Alabama Board of Nursing Trust Fund to the Alabama Board of Nursing \$630,500 to be expended for the Professional and Occupational Licensing and Regulation Program.

**C. ALABAMA PEACE OFFICERS' STANDARDS AND TRAINING FUND:**

There is hereby appropriated from the Alabama Peace Officers' Standards and Training Fund to the Alabama Peace Officers' Standards and Training Commission \$450,000 to be expended for the Certified Law Enforcement Academy Program.

**D. PUBLIC SCHOOL FUND:**

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution of 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated forty million dollars (\$40,000,000) from the Public School Fund for the Minimum Program Fund to be expended under the Financial Assistance Program as shown in subsection 3-A-20(a). If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1984, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1984.

Section 6. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

Section 7. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation. Further, all state, county and education entities are authorized to disburse such funds as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by the Code of Alabama 1975, Section 41-5-24.

Section 8. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

Section 9. This act shall become effective on October 1, 1983.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, H. B. 245, to-wit:

**COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 245**

Amend substitute for House Bill 245 on page 35, line 17, 19 and 20 by striking the figure "97,281,145" on such lines and insert in lieu thereof the figure "97,201,145".

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Further amend substitute for House Bill 245 on page 39, by striking all language on lines 20 through 35 in their entirety, and by inserting in lieu thereof the following:

“(a) Environmental Education Program .....		80,000
SOURCE OF FUNDS:		
(1) ASETF .....	80,000	
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Total Alabama Environmental Quality Association .....	80,000	80,000”
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Which was lost.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, H. B. 245, to-wit:

**COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 245**

Amend substitute for House Bill 245 on page 33, after line 29 by inserting the following:

“In addition to the above appropriation, there is hereby appropriated \$750,000 to the Alabama Public School and College Authority to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.”

On motion of Senator Mitchem, said amendment was laid on the table.

Senator Mitchem offered the following amendment to the substitute for the Bill, H. B. 245, to-wit:

**AMENDMENT TO SUBSTITUTE FOR HOUSE BILL 245**

Amend substitute for House Bill 245 on page 41, line 25 by striking the figure “270,789” as it appears on that line and insert in lieu thereof the figure “320,789”; and on page 42, after line 27 inserting the following and renumbering the remaining line items accordingly:

“32. Diabetes Research Center .....	200,000	200,000”
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Further amend substitute for House Bill 245 on page 42, lines 31 and 36 by striking the figure “70,451,053” and insert in lieu thereof the figure “70,701,053”; and on line 36 of page 42, strike the figure “315,870,066” and insert in lieu thereof the figure “316,120,066”.

Further amend the substitute for House Bill 245 in Section 4(V)(A) on page 45 line 16 by deleting the figures “41,935,326” and “83,442,678” and inserting in lieu thereof the figures “41,970,326” and “83,477,678”, respectively.

Further amend the substitute for House Bill 245 in Section 4(V)(A) on page 45 lines 30 and 32 by deleting the figure “45,414,983” and inserting in lieu thereof the figure “45,449,983”.

Further amend the substitute for House Bill 245 in Section 4(V)(A) on page 45 line 32 by deleting the figure “108,745,695” and inserting in lieu

thereof the figure "108,780,695".

Further amend the substitute for House Bill 245 in Section 4(V)(B) on page 46 lines 7, 9 and 12 by deleting the figure "8,696,497" and inserting in lieu thereof the figure "8,701,497".

Further amend the substitute for House Bill 245 in Section 4(V)(B) on page 46 lines 7 and 12 by deleting the figure "20,173,472" and inserting in lieu thereof the figure "20,178,472".

Further amend the substitute for House Bill 245 in Section 4(V)(C) on page 46 line 14 by deleting the figures "9,420,710" and "19,356,601" and inserting in lieu thereof the figures "9,440,710" and "19,376,601", respectively.

Further amend the substitute for House Bill 245 in Section 4(V)(C) on page 46 lines 17 and 20 by deleting the figure "10,820,710" and inserting in lieu thereof the figure "10,840,710".

Further amend the substitute for House Bill 245 in Section 4(V)(C) on page 46 line 20 by deleting the figure "20,756,601" and inserting in lieu thereof the figure "20,776,601".

Further amend substitute for House Bill 245 on page 9, after line 19 by inserting the following: "Guidance and Counseling . . . 50,000"; further amend said bill on page 9, lines 21 and 24 by striking the figure "8,663,700" and insert in lieu thereof "8,713,700"; and on page 9, lines 10 and 24, strike the figure "10,253,028" and insert in lieu thereof the figure "10,303,028".

Further amend substitute for House Bill 245 on page 11, lines 21 and 24 by striking the figure "30,773,374" and insert in lieu thereof the figure "30,823,374"; and on page 11, line 24 strike the figure "275,830,866" and insert in lieu thereof the figure "275,880,866".

Further amend substitute for House Bill 245 on page 33, lines 25, 27, and 29 by striking the figure "1,700,000" and insert in lieu thereof the figure "1,915,000".

Further amend substitute for House Bill 245 on page 48 by striking all language and figures on lines 10 and 11 and insert in lieu thereof the following:

"2. Gadsden Educational Programs . . . .	464,000	25,000	489,000"
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Further amend substitute for House Bill 245 on page 37, lines 6, 8, and 10 by striking the figure "3,500,000" and insert in lieu thereof the figure "3,156,145".

Further amend substitute for House Bill 245 on page 35, on lines 17, 19, and 20 by striking the figure "97,281,145" and insert in lieu thereof the figure "97,000,000".

Further amend substitute for House Bill 245 on page 51, line 27 by striking the figures "6,428,326" and "7,454,764" and insert in lieu thereof the figures "6,478,326" and "7,504,764", respectively; and on page 51, lines 31 and 34, strike the figure "8,870,892" and insert in lieu thereof the figure "8,920,892"; and on page 51, line 34 strike the figure "21,778,467" and insert in lieu thereof the figure "21,828,467".

Which was adopted.

And said substitute, as thus amended, was then adopted.

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Yeas 32; Nays 0.

*Yeas:*

Senators:	Cabaniss	Foshee	Mitchell
Aldridge	Cooley	Goodwin	Mitchem
Amari	Corbett	Harrison	Parsons
Bachus	Covington	Hilliard	Proctor
Bailey	deGraffenried	Holmes	Robertson
Bedford	Denton	Kirkland	Smith (B)
Bedsole	Dixon	Little	Smith (J)
Bishop	Figures	Menton	Teague
Boyington			—32

*Nays:* —0

Senator Mitchem offered the following amendment to the Bill, H. B. 245, as amended, to-wit:

**AMENDMENT TO H. B. 245, AS AMENDED**

Amend House Bill 245, as amended, page 42, line 22, and page 52, line 9, by striking the figure \$3,659,382, and inserting the figure \$3,559,382;

Further amend on page 42, line 26 and page 52, line 12, by striking the figure \$618,596, and inserting the figure \$718,596.

Which was adopted.

Yeas 26; Nays 1.

*Yeas:*

Senators:	Boyington	Foshee	Mitchem
Amari	Cabaniss	Goodwin	Proctor
Bachus	Cooley	Holmes	Robertson
Bailey	Corbett	Kirkland	Smith (B)
Bedford	Covington	Little	Smith (J)
Bedsole	deGraffenried	Menton	Teague
Bishop	Figures	Mitchell	—26

*Nay:* Senator Parsons. —1

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 131

S. B. 322

S. B. 376

S. B. 434

S. B. 474

S. B. 489

S. B. 490

Delivered to the Governor, July 14, 1983, at 4:30 P.M.

S. B. 97

S. B. 191

S. B. 192

S. B. 468

S. J. R. 238

S. J. R. 268

S. J. R. 278

Delivered to the Governor, July 22, 1983, at 5:05 P.M.

McDOWELL LEE,  
Secretary of Senate.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

At 11:55 P.M., on motion of Senator Bishop, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of the Bills, H. B.'s 245 and 370, the Senate adjourned until Monday, July 25, 1983, at 10 o'clock A.M.

**TWENTY-NINTH LEGISLATIVE DAY**

**MONDAY, JULY 25, 1983**

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Thomas Earl Gilmore, Pastor, First Baptist Church of Ensley, Birmingham, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Foshee	Mitchell
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Harrison	Parsons
Bachus	Corbett	Hilliard	Pearson
Bailey	Covington	Holmes	Proctor
Barron	deGraffenried	Keener	Robertson
Bedford	Denton	Kirkland	Smith (B)
Bedsole	Dixon	Little	Smith (J)
Bishop	Figures	Menton	Teague

—35

**JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Eighth Legislative Day was approved by the Senate.

**RESOLUTION**

Senator Kirkland offered the following Senate Resolution, to-wit:

S. R. 314. CONGRATULATING THE BREWTON STANDARD ON HONORS RECEIVED FROM THE 1983 ALABAMA PRESS ASSOCIATION'S BETTER NEWSPAPER CONTEST.

Which was adopted.

## BILLS ON THIRD READING

The Bill:

H. 859. Relating to the City of Prichard, Mobile County and the pension and retirement fund for such city; amending further Sections XII and XXII of Act No. 235, H. 290, of the 1963 Regular Session (Acts 1963, p. 636) as last amended, relating to the payment eligibility and the formula therefor of certain retirees, and persons who leave city service before retirement, so as to provide that all monies contributed by the member to such fund and increases for retirees.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Boyington	Hilliard	Parsons	
Aldridge	Cabaniss	Holmes	Pearson	
Amari	Cooley	Kirkland	Proctor	
Bachus	Denton	Little	Smith (B)	
Barron	Dixon	Menton	Smith (J)	
Bedsole	Figures	Mitchem	Teague	
Bishop	Foshee			—25

Nays:

—0

The Bill:

H. 185. Relating to Mobile County; to authorize volunteer fire departments to paint arrows on the highways and roads to signify the location of fire hydrants within the service areas.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Boyington	Hilliard	Parsons	
Aldridge	Cabaniss	Holmes	Pearson	
Amari	Cooley	Kirkland	Proctor	
Bachus	Denton	Little	Smith (B)	
Barron	Dixon	Menton	Smith (J)	
Bedsole	Figures	Mitchem	Teague	
Bishop	Foshee			—25

Nays:

—0

The Bill:

H. 223. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Jackson County, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Jackson County; to provide fire fighting and prevention services and to authorize the levy and collection of certain taxes for the support of such districts.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bachus	Bishop	Covington
Aldridge	Barron	Cabaniss	Denton
Amari	Bedsole	Cooley	Dixon



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Foshee	Little	Parsons	Smith (B)
Holmes	Menton	Pearson	Smith (J)
Keener	Mitchell	Proctor	Teague
Kirkland	Mitchem		
			—25

Nays: —0

The Bill:

H. 258. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Keener	Parsons
Aldridge	Cooley	Kirkland	Pearson
Amari	Covington	Little	Proctor
Bachus	Denton	Menton	Smith (B)
Barron	Dixon	Mitchell	Smith (J)
Bedsole	Foshee	Mitchem	Teague
Bishop	Holmes		
			—25

Nays: —0

The Bill:

H. 328. Relating to Shelby County; to provide further for the office of the county coroner; to prescribe an expense allowance for said coroner; to provide for a deputy county coroner; to prescribe salary and expense allowance for such deputy coroner and to provide for supplemental effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Parsons
Aldridge	Cabaniss	Holmes	Pearson
Amari	Cooley	Keener	Proctor
Bachus	Covington	Kirkland	Smith (B)
Bailey	Denton	Little	Smith (J)
Barron	Dixon	Menton	Teague
Bedsole	Foshee		
			—25

Nays: —0

The Bill:

H. 443. Relating to Shelby County; authorizing and empowering the county commission to promulgate and implement rules and regulations including advance permit requirements for adequate control and accommodation of outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside of the municipal or town limits of any city or town in Shelby County and prescribing penalty for violation.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Parsons
Aldridge	Cabaniss	Holmes	Pearson
Amari	Cooley	Keener	Proctor
Bachus	Covington	Kirkland	Smith (B)
Bailey	Denton	Little	Smith (J)
Barron	Dixon	Menton	Teague
Bedsole	Foshee		
			—25

Nays:

—0

The Bill:

H. 448. To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

was taken up.

On motion of Senator Mitchell, further consideration of the Bill, H. B. 448, was indefinitely postponed.

The Bill:

H. 482. Relating to Baldwin County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Boyington	Goodwin	Mitchem
Aldridge	Cabaniss	Holmes	Parsons
Amari	Cooley	Keener	Proctor
Bachus	Covington	Kirkland	Smith (B)
Barron	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague
Bishop	Foshee		
			—25

Nays:

—0

The Bill:

H. 513. To promote the maintenance of Chilton County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Chilton County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Chilton County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Chilton County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Chilton

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County; to grant authority to the Chilton County Health Department to enforce littering laws in Chilton County, and to provide for a means to plea to the public to heed such laws and to help eliminate litter in such county. was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Mitchem	
Aldridge	Cooley	Holmes	Parsons	
Bachus	Corbett	Keener	Proctor	
Bailey	Covington	Kirkland	Smith (B)	
Barron	Denton	Little	Smith (J)	
Bedsole	Dixon	Menton	Teague	
Bishop	Foshee			—25

*Nays:* —0

Senator Amari requested and received permission to suspend the Rules in order to bring up the Bill:

H. 805. To exempt the 34th National Square Dance Convention from the payment of all state, county and municipal sales and use taxes.

And said Bill, H. B. 805, was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Senators:	Bedsole	Goodwin	Pearson	
Aldridge	Bishop	Harrison	Proctor	
Amari	Boyington	Kirkland	Robertson	
Bachus	Cooley	Menton	Smith (B)	
Bailey	Denton	Mitchell	Smith (J)	
Bedford	Dixon	Mitchem	Teague	—23

*Nays:* —0

**BILL RECONSIDERED**

On motion of Senator Bedsole, the Senate reconsidered the vote by which the Bill, H. B. 185, was passed.

On motion of Senator Bedsole, the Senate reconsidered the vote by which the Bill, H. B. 185, was ordered to its third reading.

On motion of Senator Bedsole, further consideration of the Bill, H. B. 185, was postponed until the Thirtieth Legislative Day.

**BILLS ON THIRD READING RESUMED**

The Bill:

H. 554. Relating to Lamar County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Lamar County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Holmes	Mitchem
Aldridge	Cooley	Keener	Parsons
Amari	Covington	Kirkland	Proctor
Bachus	Denton	Little	Smith (B)
Barron	Dixon	Menton	Smith (J)
Bedford	Foshee	Mitchell	Teague
Bedsole	Goodwin		

—25

Nays:

—0

**REPORT OF COMMITTEE ON RULES**

Mr. President Pro Tem:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 46. To change the name of the Civil Defense Department to the State of Alabama Emergency Management Agency.

Also:

S. 63. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and disposition of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended.

Also:

S. 69. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on state business.

Also:

S. 90. To amend Section 4 of Act No. 83-75 adopted at the First Special Session of 1983 of the Legislature of Alabama to provide for the refunding thereunder of any warrants issued by a county for the purpose of erecting necessary public buildings, bridges and roads.

Also:

S. 188. To amend Sections 40-6-1, 40-6-3, 40-6-4, and 40-6-5, Code of Alabama 1975, so as to reduce the minimum requirements for qualification as supernumerary official created in said Sections, reduce the benefits payable for the minimum qualifications with a step increase to the maximum benefit provided for additional years service, to remove certain limitations, to increase the contribution paid in by officials participating in such program, and to establish a deadline for electing to participate in the program.

Also:

S. 227. To create a preretirement death benefit program which shall be effective to all employees covered under the Teachers' Retirement System of Alabama and the Employees' Retirement System of Alabama and to provide for the administration thereof. To give the boards of control authority to provide said death benefit in the form of group life insurance upon determination that to do so would generate a more favorable tax treatment to the beneficiaries to whom said benefit is payable, and to provide for the

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implementation of said program. To further provide and define the corporate powers and status of the Teachers' Retirement System and the Employees' Retirement System.

Also:

S. 233. To provide that teachers and principals in each school shall develop a budget for the expenditure of instructional materials and supply funds and to provide that such funds shall be allocated to the individual schools in each county and city by the board of education.

Also:

S. 239. To provide further for the expenses of the president and associate commissioners of the Alabama Public Service Commission.

Also:

S. 299. To amend Section 16-8-26, Code of Alabama 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for early retirement for unused accrued sick leave.

Also:

S. 533. To amend the "Council-Manager Act of 1982", so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the form of government originally prescribed in this act or an alternate form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the four districts into which the city is divided, by the qualified electors of the districts, respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of government hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

Also:

S. 224. To amend Section 8-21-5, Code of Alabama 1975, relating to franchise agreements between retailers engaged in the business of selling farm implements, and certain other farm equipment or parts, and wholesalers, manufacturers or distributors therefor, so as to provide further for the items exempt from the repurchase requirements.

**CHARLES BISHOP,**  
Chairperson.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing

report from the Committee on Rules.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 655. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Holmes	Mitchem	
Aldridge	Cooley	Keener	Parsons	
Amari	Covington	Kirkland	Proctor	
Barron	Denton	Little	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsole	Foshee	Mitchell	Teague	
Bishop	Goodwin			—25

Nays: —0

The Bill:

H. 677. Relating to Elmore County, to provide an expense allowance and mileage allowance to supplement the compensation of the county coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Holmes	Mitchem	
Aldridge	Cooley	Keener	Parsons	
Amari	Covington	Kirkland	Proctor	
Barron	Denton	Little	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsole	Foshee	Mitchell	Teague	
Bishop	Harrison			—25

Nays: —0

The Bill:

H. 707. Relating to Clarke County; providing that the Clarke County Commissioners shall serve full time as such officers.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Covington	Holmes
Aldridge	Bishop	Denton	Keener
Amari	Cabaniss	Dixon	Kirkland
Barron	Cooley	Foshee	Little
Bedford	Corbett	Goodwin	Menton

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Mitchem	Proctor	Smith (J)	Teague	
Parsons	Smith (B)			—25

Nays: —0

The Bill:

H. 747. Relating to Montgomery County; providing further for the compensation of the judge of probate.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 747, to-wit:

**COMMITTEE AMENDMENT TO H. B. 747**

Amend House Bill 747 on page 1, line 19, by striking out after the word "compensation", the figure \$40,000.00 and inserting in lieu thereof the figure "\$42,500.00".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Harrison	Mitchem	
Aldridge	Cooley	Holmes	Parsons	
Amari	Covington	Keener	Proctor	
Barron	Denton	Kirkland	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsole	Foshee	Mitchell	Teague	
Bishop	Goodwin			—25

Nays: —0

And said Bill, H. B. 747, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Harrison	Mitchem	
Aldridge	Cooley	Holmes	Parsons	
Amari	Covington	Keener	Proctor	
Barron	Denton	Kirkland	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsole	Foshee	Mitchell	Teague	
Bishop	Goodwin			—25

Nays: —0

The Bill:

H. 753. Relating to Fayette and Lamar County; establishing a district legislative delegation office in such counties; providing for the operation of such office; and prescribing that the county governing body of each county shall pay a monthly expense allowance, from their respective county treasuries, to the house member representing such counties who shall maintain and account for a separate bank account for the operation of such office.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

<b>Senators:</b>	Bishop	Goodwin	Mitchem	
Aldridge	Cabaniss	Holmes	Parsons	
Amari	Cooley	Keener	Proctor	
Bachus	Covington	Kirkland	Smith (B)	
Barron	Denton	Little	Smith (J)	
Bedford	Dixon	Menton	Teague	
Bedsole	Foshee			—25

*Nays:* —0**The Bill:**

H. 803. Relating to Hale County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Hale County; repealing conflicting laws; and prescribing the effective date of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

<b>Senators:</b>	Cabaniss	Holmes	Parsons	
Aldridge	Cooley	Keener	Proctor	
Amari	Covington	Kirkland	Robertson	
Barron	Denton	Little	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsole	Foshee	Mitchem	Teague	
Bishop	Goodwin			—25

*Nays:* —0**The Bill:**

H. 815. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilsonville, in Shelby County, to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Wilsonville.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 815, to-wit:

**COMMITTEE AMENDMENT TO H. B. 815**

Amend House Bill 815 on page 3, line 7, by inserting after the word "beginning" the following paragraph:

"The lands incorporated within the city limits of Wilsonville pursuant to this Act shall not include any lands, including lands subject to flood easements, which are part of any hydroelectric project licensed by the Federal Power Commission, the Federal Energy Regulatory Commission or any successor agency."



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Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Harrison	Mitchem
Aldridge	Cooley	Holmes	Parsons
Amari	Covington	Keener	Proctor
Bachus	Denton	Kirkland	Smith (B)
Barron	Dixon	Little	Smith (J)
Bedford	Foshee	Menton	Teague
Bedsole	Goodwin		

—25

Nays: —0

And said Bill, H. B. 815, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Harrison	Mitchem
Aldridge	Cooley	Holmes	Parsons
Amari	Covington	Keener	Proctor
Bachus	Denton	Kirkland	Smith (B)
Barron	Dixon	Little	Smith (J)
Bedford	Foshee	Menton	Teague
Bedsole	Goodwin		

—25

Nays: —0

The Bill:

H. 817. Relating to Morgan County; permitting banks authorized to engage in the banking business and having an office or place of business in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Flint, Alabama, for the conduct of a general banking and trust business.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Holmes	Parsons
Aldridge	Cooley	Keener	Pearson
Amari	Covington	Kirkland	Proctor
Bachus	Denton	Little	Smith (B)
Barron	Dixon	Menton	Smith (J)
Bedsole	Foshee	Mitchem	Teague
Bishop	Goodwin		

—25

Nays: —0

The Bill:

H. 827. Relating to Bibb County; to provide further for the expense allowance for members of the board of education.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Mitchem
Aldridge	Cooley	Holmes	Parsons
Amari	Covington	Keener	Proctor
Barron	deGraffenried	Kirkland	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague
Bishop	Foshee		

—25

*Nays:*

—0

The Bill:

H. 828. Relating to Bibb County; to amend Section 1 of Act No. 81, H. 530, Regular Session 1977 (Acts 1977, p. 119), relating to the issuance of pistol permits by the sheriff, so as to increase the fees thereof.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Mitchem
Aldridge	Cooley	Holmes	Parsons
Amari	Covington	Keener	Proctor
Barron	deGraffenried	Kirkland	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague
Bishop	Foshee		

—25

*Nays:*

—0

The Bill:

H. 829. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

was taken up.

Senator deGraffenried offered the following amendment to the Bill, H. B. 829, to-wit:

Amendment to H. B. 829

On page 1, in Section 1, line 25, delete the word "in" and insert in lieu thereof: up to

On page 5, in Section 10, delete lines 6 and 7 in their entirety and insert in lieu thereof:

October 1, 1983.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Barron	Bishop	Covington
Aldridge	Bedford	Cabaniss	deGraffenried
Amari	Bedsole	Cooley	Denton

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Dixon	Keener	Mitchem	Smith (B)
Foshee	Kirkland	Parsons	Smith (J)
Goodwin	Little	Proctor	Teague
Holmes	Menton		

—25

Nays: —0

And said Bill, H. B. 829, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchem
Aldridge	Cooley	Holmes	Parsons
Amari	Covington	Keener	Proctor
Barron	deGraffenried	Kirkland	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague
Bishop	Foshee		

—25

Nays: —0

The Bill:

H. 836. Relating to Macon County; providing that the members of the board of registrars shall be included in the county insurance program and providing retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Holmes	Parsons
Aldridge	Cooley	Keener	Pearson
Amari	Covington	Kirkland	Proctor
Barron	Denton	Little	Smith (B)
Bedford	Dixon	Menton	Smith (J)
Bedsole	Foshee	Mitchem	Teague
Bishop	Goodwin		

—25

Nays: —0

The Bill:

H. 837. Relating to Macon County; to authorize the county governing body to pay an additional expense allowance to the circuit clerk in Macon County; and to give retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Holmes	Parsons
Aldridge	Cooley	Keener	Pearson
Amari	Covington	Kirkland	Proctor
Barron	Denton	Little	Smith (B)
Bedford	Dixon	Menton	Smith (J)
Bedsole	Foshee	Mitchem	Teague
Bishop	Goodwin		

—25

*Nays:*

—0

The Bill:

H. 838. Relating to Macon County; providing for an expense allowance for the coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cabaniss	Holmes	Parsons
Aldridge	Cooley	Keener	Pearson
Amari	Covington	Kirkland	Proctor
Barron	Denton	Little	Smith (B)
Bedford	Dixon	Menton	Smith (J)
Bedsole	Foshee	Mitchem	Teague
Bishop	Goodwin		

—25

*Nays:*

—0

The Bill:

H. 841. Relating to Fayette County; providing a travel and subsistence expense allowance for the county superintendent of education; specifically repealing Act No. 442, H. 842, 1947 Regular Session (Local Acts 1947, p. 300); and providing that this act shall become effective July 1, 1983.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cabaniss	Hilliard	Mitchem
Aldridge	Cooley	Holmes	Parsons
Amari	Covington	Keener	Proctor
Bachus	Denton	Kirkland	Smith (B)
Bedford	Dixon	Little	Smith (J)
Bedsole	Foshee	Menton	Teague
Bishop	Goodwin		

—25

*Nays:*

—0

The Bill:

H. 845. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Macon County under certain conditions to issue general obligation bonds in not exceeding \$3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the ¼ of 1% ad valorem tax authorized by Section 215 of said constitution to be levied by said county; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said county; and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

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*Yeas:*

Senators:	Cabaniss	Holmes	Parsons
Aldridge	Cooley	Keener	Pearson
Amari	Covington	Kirkland	Proctor
Barron	Denton	Little	Smith (B)
Bedford	Dixon	Menton	Smith (J)
Bedsole	Figures	Mitchem	Teague
Bishop	Goodwin		

—25

*Nays:* —0

**The Bill:**

H. 847. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the City of Tuskegee in Macon County to issue general obligation bonds in not exceeding \$3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construnction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the 1¼ % ad valorem tax authorized by Amendment 56 to said constitution to be levied by said city; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said city, and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

was read a third time at length as required by the Constitution and passed.

**Yeas 25; Nays 0.**

*Yeas:*

Senators:	Cabaniss	Holmes	Parsons
Aldridge	Cooley	Keener	Pearson
Amari	Covington	Kirkland	Proctor
Barron	Denton	Little	Smith (B)
Bedford	Dixon	Menton	Smith (J)
Bedsole	Foshee	Mitchem	Teague
Bishop	Goodwin		

—25

*Nays:* —0

**The Bill:**

H. 849. Relating to Calhoun County; authorizing the county commission to levy an additional ½¢ sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

was read a third time at length and passed.

**Yeas 25; Nays 0.**

*Yeas:*

Senators:	Bedford	Cooley	Foshee
Aldridge	Bedsole	Covington	Goodwin
Amari	Bishop	Denton	Holmes
Barron	Cabaniss	Dixon	Keener

Kirkland	Mitchem	Proctor	Smith (J)	
Little	Parsons	Smith (B)	Teague	
Menton	Pearson			—25

Nays: —0

**The Bill:**

H. 857. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, insects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Senators:	Cabaniss	Holmes	Parsons	
Aldridge	Cooley	Keener	Proctor	
Amari	Covington	Kirkland	Robertson	
Barron	Denton	Little	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsale	Foshee	Mitchem	Teague	
Bishop	Goodwin			—25

Nays: —0

**The Bill:**

H. 860. Relating to Marshall County; to further regulate the appropriation and distribution of Tennessee Valley Authority funds paid in-lieu-of-taxes.

was read a third time at length and passed.

Yeas 25; Nays 0.

**Yeas:**

Senators:	Cabaniss	Holmes	Parsons	
Aldridge	Cooley	Keener	Pearson	
Amari	Covington	Kirkland	Proctor	
Bachus	Denton	Little	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsale	Foshee	Mitchem	Teague	
Bishop	Goodwin			—25

Nays: —0

**The Bill:**

H. 861. To authorize the Marshall County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

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*Yeas:*

Senators:	Cabaniss	Holmes	Parsons	
Aldridge	Cooley	Keener	Pearson	
Amari	Covington	Kirkland	Proctor	
Bachus	Denton	Little	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsole	Foshee	Mitchem	Teague	
Bishop	Goodwin			—25

*Nays:* —0

**The Bill:**

H. 862. To propose an amendment to the Constitution to provide that the legislature may, by local law, authorize the county governing body of Marshall County to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

was read a third time at length as required by the Constitution and passed.

**Yeas 25; Nays 0.**

*Yeas:*

Senators:	Cabaniss	Holmes	Parsons	
Aldridge	Cooley	Keener	Pearson	
Amari	Covington	Kirkland	Proctor	
Bachus	Denton	Little	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsole	Foshee	Mitchem	Teague	
Bishop	Goodwin			—25

*Nays:* —0

**The Bill:**

H. 874. To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

was read a third time at length and passed.

**Yeas 25; Nays 0.**

*Yeas:*

Senators:	Cabaniss	Holmes	Parsons	
Aldridge	Cooley	Keener	Pearson	
Amari	Covington	Kirkland	Proctor	
Bachus	Denton	Little	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsole	Foshee	Mitchem	Teague	
Bishop	Goodwin			—25

*Nays:* —0

**The Bill:**

H. 885. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Hale County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within

Hale County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cooley	Keener	Pearson	
Aldridge	Covington	Kirkland	Proctor	
Amari	Denton	Little	Robertson	
Barron	Dixon	Menton	Smith (B)	
Bedsole	Foshee	Mitchem	Smith (J)	
Bishop	Goodwin	Parsons	Teague	
Cabaniss	Holmes			—25

*Nays:* —0

The Bill:

H. 890. Relating to Houston County; to provide for an expense allowance for the members of the county board of education and to repeal certain conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cabaniss	Holmes	Parsons	
Aldridge	Cooley	Keener	Pearson	
Amari	Covington	Kirkland	Proctor	
Bailey	Denton	Little	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsole	Foshee	Mitchem	Teague	
Bishop	Goodwin			—25

*Nays:* —0

The Bill:

H. 904. Relating to Marengo County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Marengo County; repealing conflicting laws; providing for a referendum and prescribing the effective date of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Little
Aldridge	Cooley	Harrison	Menton
Amari	Covington	Hilliard	Mitchem
Barron	Denton	Holmes	Parsons
Bedsole	Dixon	Keener	Proctor
Bishop	Foshee	Kirkland	Smith (B)



## 1411

## The Bill:

was read a third time at length as required by the Constitution and passed.

***Yeas:***

## The Bill:

was read a third time at length and passed.

**Yeas:**

### The Bill:

was read a third time at length and passed.

**Yeas:**

<b>Senators:</b>	<b>Cabaniss</b>	<b>Holmes</b>	<b>Parsons</b>
<b>Aldridge</b>	<b>Cooley</b>	<b>Keener</b>	<b>Pearson</b>
<b>Amari</b>	<b>Covington</b>	<b>Kirkland</b>	<b>Proctor</b>
<b>Barron</b>	<b>Denton</b>	<b>Little</b>	<b>Smith (B)</b>
<b>Bedford</b>	<b>Dixon</b>	<b>Menton</b>	<b>Smith (J)</b>
<b>Bedsole</b>	<b>Foshee</b>	<b>Mitchem</b>	<b>Teague</b>
<b>Bishop</b>	<b>Goodwin</b>		

—25

Nays:

—0

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 315. **RESOLVED BY THE SENATE** That the following bills will be the paramount and continuing order and taking precedence over any and all other business of the Senate until disposed of:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 243	Estate tax collection	3
H. B. 252	Inc. driver's lic. fee	3
H. B. 578	Inc. traffic fines	56
H. B. 287	Utility gross receipts	8
H. B. 534	Clarification sales tax law	16
H. B. 535	Clarification sue tax law	17
H. B. 260	Contractors gross receipts	4
H. B. 648	Legal expense insurance	65
H. B. 340	Court Costs	9

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

**SPECIAL ORDER****BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 340. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts so as to enhance that portion of the fee schedule distributed to the state general fund, and to provide for the effective date of this Act.

and pending substitute and amendment, which said substitute and amendment are set out in the Journal of the Senate for the Twenty-Seventh Legislative Day.

On motion of Senator Proctor, said amendment was laid on the table.

And said substitute was then adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Cabaniss	Denton	Mitchell
Aldridge	Cooley	Dixon	Parsons
Barron	Corbett	Holmes	Pearson
Bedford	Covington	Keener	Proctor
Bedsole	deGraffenried	Little	Teague
Bishop			

Nays:

—0

Senator Proctor offered the following amendment to the Bill, H. B. 340, as amended by the substitute, to-wit:

**AMENDMENT TO H. B. 340, AS AMENDED**

Amend House Bill 340 on page 10 line 6 by adding the following section and renumbering the remaining sections accordingly.

"Section 18. The increase in fees provided in this act shall in no instance operate to increase the municipal share of the docket fees collected in municipal ordinance cases in the district and circuit courts; any provision of the law to the contrary notwithstanding."

Which was adopted.

Yeas 21; Nays 1.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchell
Aldridge	Cooley	Holmes	Mitchem
Bailey	deGraffenried	Keener	Pearson
Bedford	Denton	Kirkland	Proctor
Bedsole	Dixon	Little	Teague
Boyington	Foshee		

—21

Nays: Senator Parsons

—1

Senator Little offered the following amendment to the Bill, H. B. 340, as amended, to-wit:

**AMENDMENT TO H. B. 340, AS AMENDED**

Amend House Bill 340 as amended by deleting, on page 1, line 14, the word "and" and by adding the words "and 12-19-91," before the word "Code"; further amend House Bill 340 on line 16 after the word "courts" by adding "and appellate courts".

Further amend H. B. 340 as amended on page 10 after line 5 by adding the following new section 18 and renumbering the remaining sections accordingly:

"Section 18. Section 12-19-91, Code of Alabama 1975 is hereby amended to read as follows:

(a) The clerks of the ~~supreme-court~~ or courts of appeal shall be entitled to receive the following fees for the following services, to be paid to the treasurer as provided in this article:

(1) Docketing each case	\$ .30
(2) Entering each appearance, to include all attorneys appearing on the same side for the same parties	.30
(3) Each bond	.50
(4) Each appeal	.50
(5) Each order	.50
(6) Each continuance	.25
(7) Each judgment	1.00
(8) Each mandate or certificate to the court below	2.00
(9) Each writ in the nature of scire facias, certiorari, mandamus, prohibition or other similar writ	1.00

(10) Filing the same with return	.20
(11) Each writ of execution	1.00
(12) Taxing costs, copying and entering satisfaction	.85
(13) Copying opinions, record or paper, in his office, for each 100 words	.15
(14) In each case an additional fee of	4.00

(b) For petitions for certiorari to the Court of Criminal Appeals, the Clerk of the Supreme Court shall be entitled to receive as assessment of costs the amount of \$25.00.

(c) The docket fee as hereinafter prescribed shall be paid to the clerk of the appropriate appellate court, unless otherwise excepted, as follows:

Appeals in civil cases, review by certiorari in workmen's compensation cases, and review by certiorari of the decisions and judgments of trial courts in cases where review by appeal is not provided for and from decisions of boards and agencies where review by petition in the appropriate appellate court is provided by law, the docket fee to be paid at the time of the filing of the petition or notice of appeal ..... \$100.00

The docket fee herein prescribed shall be in lieu of all other court costs in the particular proceeding before the appellate court unless otherwise set by the court, and may be taxed as costs."

Which was adopted.

Yeas 15; Nays 0.

Yeas:

Senators:	Bedsole	deGraffenried	Little
Bachus	Bishop	Goodwin	Mitchell
Barron	Cabaniss	Holmes	Parsons
Bedford	Cooley	Keener	Teague
			—15

Nays: —0

Senator Mitchell offered the following amendment to the Bill, H. B. 340, as amended, to-wit:

#### AMENDMENT TO H. B. 340, AS AMENDED

Amend House Bill No. 340, as amended Page 1 Line 30, by striking out twenty after the figure "(1)" and inserting in lieu thereof the word "Fifteen"

Further amend page 2, line 10 by striking out the figure "\$8.00" and inserting in lieu thereof the figure "\$3.00"

Which was lost.

Yeas 12; Nays 15.

Yeas:

Senators:	Dixon	Holmes	Mitchell
Bailey	Figures	Keener	Parsons
Cabaniss	Harrison	Kirkland	Robertson
Corbett			
			—12

Nays:

Senators:	Barron	Covington	Foshee
Aldridge	Bedford	deGraffenried	Goodwin
Bachus	Cooley	Denton	Hilliard

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Little	Mitchem	Proctor	Teague	—15
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And said Bill, H. B. 340, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 22; Nays 6.

*Yeas:*

Senators:	Bedsole	Goodwin	Menton	
Aldridge	Cabaniss	Harrison	Mitchem	
Amari	Covington	Hilliard	Proctor	
Bachus	deGraffenried	Holmes	Smith (B)	
Bailey	Denton	Kirkland	Teague	
Bedford	Dixon	Little		—22

*Nays:*

Senators:	Figures	Mitchell	Pearson	
Boyington	Foshee	Parsons		—6

The Bill:

H. 729. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayden, in Blount County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cabaniss	Holmes	Parsons	
Aldridge	Cooley	Keener	Pearson	
Amari	Covington	Kirkland	Proctor	
Barron	Denton	Little	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsole	Foshee	Mitchem	Teague	
Bishop	Goodwin			—25

*Nays:* —0

### REPORTS OF COMMITTEES

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Drinkard, Ford, Junkins, and Payne (With Amendment):

H. 373. To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provision for persons 65 years old or older.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Sasser, Johnson (Roy), Casey, Blake, Holley, Blakeney, Turnham,

Waggoner, Moore, White (L), Richardson, Minus, Howard, Owens, Rice, Thomas, Mitchell, Harper, and Poole (With Substitute):

H. 491. To amend Sections 40-22-1 and 40-22-2, Code of Alabama, 1975, as amended, which relate to recordation tax on certain instruments received for record in the probate offices of this state, so as to provide further for the rates of such taxes and the commissions allowed for the collection of such recordation taxes.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Penry and McMillan:

H. 551. To appropriate to the State Board of Chiropractic Examiners from its separate fund in the General Fund of the State Treasury \$10,000 for the purpose of the general operation of that Board for the fiscal year ending September 30, 1983 in addition to any and all other appropriations heretofore or hereafter made to the Board of Chiropractic Examiners; and to provide for an effective date.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Martin:

H. 230. To amend Section 6-5-332, Code of Alabama 1975, which provides exemptions from civil liability for certain persons under particular circumstances, so as to exempt from liability those persons providing assistance in mitigating the effects of a discharge of hazardous materials.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Rains, Reed, Casey, Preuitt, Turnham, Coleman, Laird, Johnson (RG), Blake, Grimsley, Hammett, White (L), Mathis, Carothers, Owens, Drinkard, Martin, Layton, Seibels, Howard, Smith, Clark, Thornton, and Holmes:

H. 768. To amend section 16-33-4, Code of Alabama 1975, relating to the Educational Benefits for Dependents of Blind Parents so as to eliminate the family income monetary restrictions used to determine the dependents' eligibility for nonpayment of instructional tuition or fees.

By Reps. Rains, Martin, Adams, Grimsley, Preuitt, Layton, Carothers, and McMillan:

H. 785. To amend Section 32-6-4, Code of Alabama 1975, relating to nondriver identification cards, so as to provide that said cards shall not bear an expiration date.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they

were severally read a second time and placed on the calendar, to-wit:

By Rep. Johnson (Roy):

H. 868. To amend Section 12-15-6, Code of Alabama 1975, so as to specifically provide that a juvenile court judge may delegate authority to perform certain judicial and quasi-judicial actions to the juvenile court referee in the absence of the juvenile court judge or at any time that the judge feels such delegation to be necessary to the efficient operation of the court and to provide an effective date.

By Reps. Kennedy, Clark, Turner, Buskey, Warren, Bryant, Ford, Preuitt, Nicholson, Drinkard, Parker, Poole, Howard, Melton, Davis, Rogers, Horn, Thornton, and Crow:

H. 515. Relating to intercepting or monitoring of customer telephone communications; providing for certain circumstances in which such communications can be monitored; making it a crime to intercept or monitor such communications in other circumstances; and prescribing penalties for violations under this act.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Clikas:

H. 665. To make legislative findings regarding the need to create a new source of financing for the development and expansion of small businesses in the State; to define the particular terms used in the substantive provisions of this Act; to provide for and authorize the incorporation by the Governor, the Director of Finance, the State Treasurer and the Chairman of the Small Business Advisory Council of the Alabama Small Business Assistance Corporation, as a public corporation and instrumentality of the State, upon the filing of an application with the Secretary of State; to provide for and authorize the certificate of incorporation of such corporation to be amended at any time and from time to time; to provide for a board of directors of such corporation; to provide for the officers of such corporation and the election thereof; to provide for the general powers to be exercised by such corporation and the conditions under which such powers may be exercised; to empower such corporation to acquire projects for lease or sale to certain users; to empower such corporation to make loans to certain users; to empower such corporation to make loans to, and purchase loans from, certain financial institutions; to empower such corporation to acquire authorized purpose obligations created in connection with projects operated by certain users; to empower such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes and bonds; to prescribe certain terms and conditions upon which such corporation may sell and issue its notes and bonds; to authorize such corporation to pledge its revenues and mortgage or assign its assets as security for its notes and bonds; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by such corporation; to provide that the notes and bonds and all other obligations of such corporation shall not constitute or create a debt of the State or any county, municipality or other political subdivision or agency thereof; to provide that the notes and bonds of such corporation shall constitute negotiable instruments; to provide for the creation of special reserve funds and such other funds as may be necessary or desirable for the corporate purposes of such

corporation; to provide for the refunding, by the issuance and sale of refunding bonds, of any notes or bonds theretofore issued or obligations theretofore assumed by such corporation; to provide that the notes and bonds of such corporation may be used for the investment of trust and other fiduciary funds; to exempt from all taxation in the State (i) the property, corporate activities, revenues and income of such corporation, (ii) certain transactions or actions to which such corporation is a party or in which it may have been involved and (iii) the property and the notes and bonds of such corporation and the income from such notes and bonds; to exempt such corporation from all laws of the State governing usury or prescribing or limiting interest rates, which exemption shall apply to any payment by any user pursuant to any lease, sale contract, loan agreement or authorized purpose obligation; to exempt such corporation and its contracts from all laws of the State requiring competitive bids; to provide for the liberal construction of the provisions of this Act; to provide that such corporation shall be a not-for-profit corporation; to provide for the dissolution of such corporation and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Martin:

H. 180. To amend Section 11-46-21, Code of Alabama 1975, so as to provide that regular municipal elections shall be held on the second Tuesday of July of each year in which the term of office of the mayor or a member of the governing body shall expire unless provided otherwise by law.

By Reps. Browder, Crow, Bowling, Casey, Junkins, Bennett, Coleman, and Holley:

H. 478. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

By Rep. Coburn:

H. 526. To provide that certain county officers and employees who belong to the state retirement system, who are deemed blind, shall be entitled



to a minimum retirement benefit allowance.

By Reps. Nicholson, Junkins, Newman, Parker, Dutton, Kennedy, Starkey, Ashley, Trammell, Layton, Wright, Boles, Casey, Freeman, Blake, Coleman, White (F), Williams, Mathis, Bowling, and Brakefield:

H. 516. To amend Section 36-25-9, Code of Alabama 1975, which provides for service on regulatory boards regulating business with which the member of the board is associated, so as to provide further for such service.

By Reps. Gaston, Kvalheim, and Harper:

H. 529. To amend section 36-19-3, Code of Alabama 1975, relating to persons deemed assistants to the state fire marshal, so as to provide further for such assistants.

By Reps. Browder, Smith, Laird, Coleman, Rice, Flowers, Holley, Lauderdale, Brooks, Casey, Sasser, Ford, Preuitt, Penry, and White (F):

H. 544. To provide a Crime Victims Compensation Commission, procedures relating to their appointment, terms, compensation, powers and duties; to provide provision for office, support, staff and secretarial services of such commission; to provide for awards for compensation, for economic loss under certain circumstances to qualified applicants; to provide for the limiting of awards under certain circumstances; to provide restrictions for Commission authority as to claimant and possible collateral source benefits; to provide for medical examination requirements including limited waiver of physician-patient privilege; to provide for medical examination requirements including limited waiver of physician-patient privilege; to provide award without requirement of prosecution or conviction of any individual; to provide procedures for subrogation rights; to provide for special types of awards procedures; to provide for annual reports and their distribution; to provide further for audits of the Commission; to provide further for surety bond of members, agents and employees; to provide further for the Alabama Crime Victims Compensation Fund and payments thereto by certain persons; to provide further for the taxing of assessing of additional court costs, assessments or penalties; to provide further for the exemption of compensation from state or municipal taxation and certain writs of garnishment or attachment; to provide further for discretionary contributions by county and municipal governments; to provide further for certain persons to be ineligible for compensation; to provide further for criminal penalties to be attached to certain acts by members, agents, or employees of the Commission; to provide further for other criminal penalties in regard to claimants and other persons who perform certain acts or omissions; to provide further for other criminal penalties for persons who perform certain acts in regard to monies or securities of the Commission held in trust or otherwise; and to provide further for other criminal penalties in regard to false claims.

By Rep. Holley:

H. 832. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may abolish or create a civil service system or other personnel board; to continue all rights, interest and privileges which certain employees have in any civil service or merit system within any such municipality; to prescribe that the provisions of this act shall be construed in pari materia with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

By Rep. Turnham:

H. 850. To amend the "Council-Manager Act of 1982", so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the form of government originally prescribed in this act or an alternate form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the four districts into which the city is divided, by the qualified electors of the districts, respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of government hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

By Reps. Rains and Coleman:

H. 922. To reverse the numbers of House Districts 26 and 25 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session 1983, approved February 23, 1983.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Ford (With Notice and Proof):

H. 597. Relating to Etowah County, requiring the county to continue paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

By Rep. Murphy (With Notice and Proof):

H. 679. Relating to Shelby County; to prohibit any utility company, board, corporation or commission (exclusive of communications) which provides service in Shelby County from providing such services to any dwelling or structure until a certificate of approved sanitation has been issued by the Shelby County Health Officer or his authorized representative.

By Reps. Venable and Grouby (With Notice and Proof):

H. 719. Relating to Elmore County, to authorize the sheriff to use certain county jail inmates to work on county roads and public property.

By Rep. Wilson (With Notice and Proof):

H. 746. To authorize and empower the governing body of the city of Montgomery, Alabama to promulgate and enforce minimum standards for the operation of veterinary clinics and animal hospitals.

By Rep. Thomas (With Notice and Proof):

H. 780. Relating to Lowndes County; amending Section 1 of Act No.

81-923, H. 74, 1981 First Special Session, (Acts 1981, p. 73), relating to clerical assistance for the tax assessor and tax collector of the county, so as to further provide for such assistants.

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 801. Relating to Walker County; providing an additional expense allowance for the coroner.

By Reps. Ashley and Starkey (With Notice and Proof):

H. 804. Relating to selling and redeeming lands for taxes in Lauderdale County, Alabama.

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 864. Relating to Walker County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Walker County legislative delegation.

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 865. Establishing the powers and authority of district attorney's investigators of the fourteenth judicial circuit of Alabama.

By Rep. Johnson (RG) (With Notice and Proof):

H. 866. Relating to Coosa County; providing that any real estate deed presented for filing and recording in the office of the judge of probate shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

By Rep. Smith (With Notice and Proof):

H. 869. Relating to Chilton County; to provide for an additional expense allowance for the county coroner.

By Rep. Poole (With Notice and Proof):

H. 884. To provide that the Pickens County Commission shall locate, construct, maintain and repair all Pickens County public roads, bridges, ferries and public buildings as a single centralized road system, without regard to commissioner district, beat or precinct lines; to further define the duties and powers of said Commission and its members; to provide for the employment of a County Engineer and to fix the amount of his bond and to provide for the manner of approval of and payment of premiums on said bond; to further fix and define the duties and authority of the Chairman of the Pickens County Commission and other members of said Commission; to fix and define the manner of making requisition for road, bridge and public building construction and maintenance equipment, supplies and materials and for the issuance of purchase orders for same; to provide for the fixing of a scale of wages and salaries; to designate the County Engineer as the custodian of all vehicles, machinery, equipment, supplies and materials relating to the planning, construction and maintenance of all public roads and bridges in Pickens County; to provide for the appropriation of road, bridge and public building funds, gasoline tax funds, general fund, highway and traffic fund, and all and other public monies normally coming under the control of County Commissions, and for the manner of expenditure and budgetary control of same; and to order an election in Pickens County on the question of whether this Act shall become effective and a centralized

road system thereby instituted in Pickens County; and to provide that this Act shall become effective only if a majority of those voting at said election vote in favor of effectuating the Act and instituting a centralized road system in Pickens County.

By Rep. Hammett (With Notice and Proof):

H. 887. To provide for redivision of the county commissioner's districts in Covington County, Alabama; to provide for an advisory referendum on the question of the provisions of this act.

By Rep. Hammett (With Notice and Proof):

H. 888. Relating to Covington County; providing for the distribution of certain road and bridge money; and providing an advisory referendum thereon.

By Rep. Turnham (With Notice and Proof):

H. 889. Relating to Lee County, providing further for the registration fees on mobile homes; providing further for the distribution of such fees; providing for an effective date; and repealing Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597).

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Starr, Wilson, Langford, Thomas, McKee, and Holmes (With Amendment) (With Notice and Proof):

H. 891. Relating to Montgomery County; to amend Sections 5, 7 and 8 of Act No. 833, H. 1100 of the 1969 Regular Session of the Alabama Legislature (Acts 1969, p. 1522), as amended, relating to the retirement system for employees of Montgomery County, so as to grant authority to the Montgomery County Commission to adopt tables upon which to base discretionary annual valuations of assets and liabilities of the Montgomery County Retirement System; to require that such valuations be made at least once in each five-year period; to grant power to the Montgomery County Commission to determine, at its discretion, the interest rate earned on the funds of the Montgomery County Retirement System; to provide for the payment of administration expenses of the Montgomery County Retirement System; and, to allow available monies not exceeding ten per centum of the total assets of the Montgomery County Retirement System to be held in non-interest bearing accounts.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 892. Relating to the fourteenth judicial circuit; creating a position of felony investigator for the district attorney of such circuit and providing for the powers, duties and compensation of such investigator.

By Rep. Casey (With Notice and Proof):

H. 896. Relating to Cleburne County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, and repealing conflicting laws.

By Rep. Casey (With Notice and Proof):

H. 897. Relating to Cleburne County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

By Rep. Casey (With Notice and Proof):

H. 898. Relating to Cleburne County; to provide for an optional system of motor vehicle tag and decal purchasing by mail; to authorize an additional fee for mailing tags; to provide for the disposition of such fees; and to provide that the county commission shall provide such necessary space, personnel, equipment and supplies.

By Rep. Casey (With Notice and Proof):

H. 899. Relating to selling and redeeming lands for taxes in Cleburne County, Alabama.

By Rep. Casey (With Notice and Proof):

H. 900. Relating to Cleburne County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyance of real property recorded in the probate office of such county.

By Rep. Casey (With Notice and Proof):

H. 902. To authorize the Clay County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

By Rep. Junkins (With Notice and Proof):

H. 918. To alter, rearrange and extend the boundary lines and corporate limits of the City of Centre in Cherokee County, Alabama.

By Rep. Newman (With Notice and Proof):

H. 919. Relating to Fayette County; providing further for the discipline and dismissal of deputies sheriff in such county; creating a deputies sheriff discipline and dismissal board therefor; providing for the membership and terms of such board and its authority, responsibilities and duties in such county; and providing for eligibility of deputies sheriff to be entitled to a hearing before such board.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Payne and Seibels (With Notice and Proof):

H. 593. Relating to Jefferson County; to provide that all telephone

calls that originate and terminate in Jefferson County, except those to and from telephones served by an exchange in another county, shall be charged as local calls; to provide that all costs of such service be borne by the telephone subscribers in Jefferson County affected by the service, to provide the procedures for the Public Service Commission and the telephone companies to follow in implementing the provisions of this act.

By Reps. Lewis, Waggoner, Wright, Layton, and Trammell (With Notice and Proof):

H. 732. Relating to Jefferson County; providing that the county commission shall have the authority, after notice as provided, to declare noxious or dangerous weeds growing upon the sidewalks or private property within the county and outside the corporate limits of any municipality within the county to be a public nuisance, and creating a lien upon the property fronting upon such sidewalks or upon which such nuisance exists for the cost of abating the same.

By Reps. Lewis, Howard, and Boles (With Notice and Proof):

H. 851. Relating to Jefferson County; to regulate further the branch office of the probate court in the city of Bessemer, providing for the appointment, term of service, duties and compensation of the deputy or assistant judge of probate who serves in the branch office of such court in the city of Bessemer.

By Rep. Lewis (With Notice and Proof):

H. 823. To amend Section 1 of Act 499, H. 858, 1973 Regular Session (Acts of 1973, p. 738), relating to retirement allowances for elected officials in the City of Bessemer, so as to prevent said officials from participating in both the state and city retirement systems.

By Reps. Horn, Payne, Boles, Seibels, Davis, Rogers, and Scott (With Notice and Proof):

H. 706. To further amend Section 3.07(h) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, page 1004), as amended, also known as the Mayor-Council Act of 1955 so as to provide, that the existing Council employees, within 30 days of this bill becoming law, may elect to withdraw from the general pension system upon application for such withdrawal, and provides that future Council employees to be included in the general pension system of the municipality upon application for such membership within 30 days of appointment.

By Reps. Escott, Howard, Wright, Waggoner, Bennett, Biddle, Murphy, Scott, Layton, and Trammell (With Notice and Proof):

H. 654. Relating to Jefferson County; to authorize compensation incentive for personnel assigned by the sheriff on a regular basis to conduct internal investigations or assist in the accountability of funds governed by the sheriff of Jefferson County.

By Reps. Biddle and Davis (With Notice and Proof):

H. 881. To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of retail electric service; to provide procedures for eliminating

or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

By Reps. Rogers and Horn (With Notice and Proof):

H. 553. To relate to Class 1 municipalities (any city with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to create and provide for a racing commission for the regulating, licensing and supervision of horse racing and wagering thereon in any such municipality; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed racetrack; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of any such municipality on the question of whether the act will become effective in the municipality.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Hettinger and Butler:

H. 27. To exempt all persons employed in public schools from liability for certain communications concerning the suspected use, possession, sale or furnishing of any controlled substance by any student, to the student's parents, law enforcement officers or health care providers.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Johnson (A.L.):

H. 613. To provide that any county shall be exempt from the provisions of Section 34-6-8, Code of Alabama 1975, prohibiting the keeping or operating of a pool or billiard table by the public outside of an incorporated city or town having a police force, by enactment of a local resolution therefor.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Dutton, Ashley, Lauderdale, Blake, and Hall (With Amendment):

H. 691. To prohibit absentee ownership of large tracts of agricultural lands in this state by certain aliens and corporations with certain exceptions; to prescribe comprehensive procedures and restrictions relating to enforcement of such prohibition and to prescribe penalties for violations.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the

following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Minus (With Notice and Proof) (With Amendment):

H. 206. Relating to Sumter County; authorizing the judge of probate to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

By Rep. Minus (With Notice and Proof) (With Amendment):

H. 327. To provide further for the circuit clerk in Sumter County, of the 17th Judicial Circuit; to provide for an expense allowance for such circuit clerk of the 17th Judicial Circuit to be paid from the general fund of Sumter County; and to repeal conflicting laws.

By Rep. Minus (With Notice and Proof) (With Amendment):

H. 372. Relating to Sumter County; authorizing the tax collector to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

By Rep. Minus (With Notice and Proof) (With Amendment):

H. 455. Relating to Sumter County; authorizing the tax assessor to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 296. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the State's Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for an employee review panel to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.



**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 191. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

Also:

H. 231. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

Also:

H. 275. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

Also:

H. 286. Prescribing certain procedures for distribution of revenues to counties and municipalities by state agencies.

Also:

H. 297. To provide that the victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government which initiated such prosecution; to provide further that the victim of a criminal offense not be prevented by operation of rule of court, statute or other law from attending any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense; to provide further that whenever a victim is unable to attend trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted the victim, pursuant to the provisions of this bill; to further provide that a victim of a criminal offense shall be exempt from the witness exclusion rule.

Also:

H. J. R. 329. MOURNING THE DEATH OF MR. JAMES R. GAVIN OF MOBILE, ALABAMA.

Also:

H. J. R. 332. CONGRATULATING DRUID CITY HOSPITAL ON BECOMING ACCREDITED IN 1983 BY THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 334. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 335. CONGRATULATING JESSE BROWN OF ARAB, ALABAMA ON BECOMING CHAIRMAN OF THE ALABAMA HOSPITAL

## ASSOCIATION FOR THE YEAR 1983-1984.

Also:

H. J. R. 337. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 341. COMMENDING COMMUNITY HOSPITAL OF TALLASSEE.

Also:

H. J. R. 343. COMMENDING THE BIRMINGHAM NEWS FOR ITS INITIATION OF "PROJECT HELP"

Also:

H. J. R. 346. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 348. COMMENDING DR. THOMAS K. HEARN, JR., UPON HIS APPOINTMENT AS PRESIDENT OF WAKE FOREST UNIVERSITY.

Also:

H. J. R. 358. COMMENDING MR. WALLACE LEE SMITH, JR., PROMINENT HOUSTON COUNTY EDUCATOR.

Also:

H. J. R. 378. COMMENDING THE ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES ON THE OCCASION OF THE DEPARTMENT'S 100th ANNIVERSARY.

Also:

H. J. R. 379. COMMENDING DR. HENRY PORTER ORR FOR OUTSTANDING SERVICE TO AUBURN UNIVERSITY.

JOHN W. PEMBERTON,  
Clerk.**SIGNING OF BILLS AND RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 396. COMMENDING THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA ON THE ESTABLISHMENT OF "PROJECT DOCTOR'S CARE."

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Also:

H. J. R. 398. COMMENDING HOWARD J. TURNER, JR., FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 422. COMMENDING AND HONORING JUDGE VAL L. MCGEE.

Also:

H. J. R. 424. COMMENDING DR. JAMES F. VICKREY, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 427. COMMENDING AND CONGRATULATING THE WALKER COLLEGE ACADEMIC BOWL TEAM.

Also:

H. J. R. 431. COMMENDING DR. CATHERINE STEINMITZ AMOS ON BEING SELECTED AS OPTOMETRIST OF THE YEAR BY THE ALABAMA OPTOMETRIC ASSOCIATION.

Also:

H. J. R. 453. COMMENDING OUR COLLEAGUE REPRESENTATIVE RICK MANLEY OF DEMOPOLIS.

Also:

H. J. R. 454. COMMENDING OUR COLLEAGUE REPRESENTATIVE BOBBY C. CROW OF ANNISTON.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 72. Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend § 34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions

matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from \$30 to \$50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

Also:

H. 224. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

Also:

H. 450. To provide for and regulate through licensure and registration the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General, or the District Attorney of any county of the State of Alabama; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

Also:

H. 530. To regulate further the office of chief deputy sheriff in Jefferson County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; to authorize the sheriff of Jefferson County to appoint the chief deputy sheriff; and to prescribe the effective date of such act.

Also:

H. J. R. 430. COMMENDING THE REVEREND W. LAURENS HUDSON OF MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS AND RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

### **UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the Unfinished Business for

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today, the first item of which was the Bill:

H. 245. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

as amended by the substitute, as amended, which said substitute and amendments are set out in the Journal of the Senate for the Twenty-Eighth Legislative Day.

On motion of Senator Mitchem, further consideration of the Bill, H. B. 245, as amended by the substitute, as amended, was postponed subject to the call of the Chair.

The Senate then proceeded to consideration of the Unfinished Business for today, the second item of which was the Bill:

H. 370. Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by federal law to a federal savings bank, federal savings and loan association or federal savings and loan association service corporation, so long as any such activity not otherwise permissible to a state bank is not conducted within the State of Alabama; to permit any bank organized under the laws of Alabama to acquire any or all of the shares of one or more federal or state savings banks or savings and loan associations having no offices within Alabama; to provide for the disposition or closing of offices upon the establishment or acquisition of offices within the State of Alabama; to provide that this Act makes no changes in laws pertaining to branch banking in Alabama; to provide that the provisions of this Act are cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

having been postponed on the Twenty-Eighth Legislative Day.

On motion of Senator Goodwin, further consideration of the Bill, H. B. 370, was postponed subject to the call of the Chair.

The Bill:

H. 243. To amend Sections 4, 7, 10, 11 and 16 of Title 40, Chapter 15, Code of Alabama, 1975, that imposes an estate and inheritance tax by changing due dates under this Chapter from 15 months after the decedent's death to 9 months after the decedent's death and by changing the interest rate charged for delinquent payments from six percent per annum to the rate established in Section 40-1-44, Code of Alabama, 1975.

was read a third time at length and passed.

Yeas 27; Nays 1.

Yeas:

Senators:	Cabaniss	Foshee	Mitchem
Amari	Cooley	Goodwin	Parsons
Bailey	Covington	Harrison	Proctor
Barron	deGraffenried	Kirkland	Robertson
Bedford	Denton	Little	Smith (B)
Bedsole	Dixon	Menton	Smith (J)
Bishop	Figures	Mitchell	Teague

—27

Nay: Senator Corbett

—1

The Bill:

H. 252. To amend Section 32-7-4, Code of Alabama 1975, so as to adjust the amount collected by the Director of Public Safety for a driver's operating record from \$2.00 to \$4.00.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchem	
Bachus	Cooley	Holmes	Parsons	
Bailey	Corbett	Keener	Robertson	
Barron	Denton	Kirkland	Smith (B)	
Bedford	Dixon	Little	Smith (J)	
Bedsole	Foshee	Menton	Teague	—24
Bishop				

Nays: —0

### BILL RECONSIDERED

On motion of Senator Goodwin, the Senate reconsidered the vote by which the Bill, H. B. 243, was passed.

On motion of Senator Goodwin, the Senate reconsidered the vote by which the Bill, H. B. 243, was ordered to its third reading.

On motion of Senator Goodwin, further consideration of the Bill, H. B. 243, was postponed subject to the call of the Chair.

The Bill:

H. 578. To amend further Code of Alabama 1975, § 32-5-313, relating to a penalty for a traffic infraction so as to increase the amount of the penalty and provide that the additional amount to be used to fund courses of instruction in the driving of trucks.

was taken up.

### RESOLUTIONS

Senator Barron offered the following Senate Resolutions, to-wit:

S. R. 316. COMMENDING MRS. LOUISE BROW VAN ALLEN, ROTARY ROSE FOR 1983.

Also:

S. R. 317. MOURNING THE DEATH OF MR. EARNEST V. PRUETT OF PISGAH, ALABAMA.

Which were adopted.

### FURTHER CONSIDERATION OF H. B. 578

The Senate proceeded to further consideration of the Bill, H. B. 578.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same

herewith to the Senate:

S. 530. Relating to DeKalb County; providing further for the costs and charges in all district court cases and providing for the establishment of a juvenile probation fund in the county.

Also:

S. 537. Relating to Calhoun County; authorizing the county commission to levy an additional  $\frac{1}{2}$ ¢ sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Also:

S. 546. Relating to Limestone County; prohibiting residents of the City of Athens from voting in the election of the county superintendent and county board of education; and the provisions of this act shall be subject to an advisory referendum with the qualified electors voting thereon.

Also:

S. 548. Relating to Escambia County; providing further for the compensation of supernumerary circuit clerks; providing for an expense allowance for such supernumerary officials and allocating the amount payable from the county general fund.

Also:

S. 549. Relating to Pickens County; to provide for the time intervals in which elections may be held as to the question of whether to allow or to prohibit the manufacture and sale of wine, alcoholic liquor or beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901.

Also:

S. 550. Relating to Pickens County; prohibiting the possession of alcoholic liquors and beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901; providing for exceptions; and providing penalties for violations.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 480. Relating to Mobile County; requiring that twenty percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be allocated for the gifted child.

Also:

S. 506. To authorize the City of Prichard, Mobile County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty, unemploy-

ment and economic distress and to carry out programs to encourage private investment and to create jobs in such area, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

Also:

S. 544. To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of retail electric service; to provide procedures for eliminating or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF H. B. 578

The Senate proceeded to further consideration of the Bill, H. B. 578.

And said Bill, H. B. 578, was read a third time at length and passed.

Yeas 23; Nays 5.

Yeas:

Senators:	Corbett	Hilliard	Parsons	
Aldridge	Denton	Holmes	Proctor	
Bailey	Dixon	Kirkland	Robertson	
Bedsole	Foshee	Little	Smith (B)	
Bishop	Goodwin	Menton	Smith (J)	
Cooley	Harrison	Mitchem	Teague	—23

Nays:

Senators:	Bachus	deGraffenried	Keener	
Amari	Cabaniss			—5

#### RESOLUTION

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 318. PAYING TRIBUTE TO THE EFFORTS OF THE JEWISH COMMUNITY IN ALABAMA.

WHEREAS, from the discovery of America to the present, traditions, customs and laws have recognized our national dependency on God and the religious nature of the American people; and

WHEREAS, America is founded upon the recognition of the right to individual religious beliefs; and



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WHEREAS, every president of the United States, from George Washington to Ronald Reagan, has placed our nation under the protection of the Almighty; and

WHEREAS, our dependence on God is acknowledged in the constitution of all fifty states; and

WHEREAS, the Jewish people in the State of Alabama, desirous of finding ways to pass on America's moral and spiritual heritage to our youth through the public school system; and

WHEREAS, the Jewish community will soon be observing the holiest days of the Jewish year, Holy Day of Rosh Hashanah, on Thursday, September 8; and

WHEREAS, they will also celebrate on Saturday, September 17, the Day of Atonement, or Yom Kippur; and

WHEREAS, there needs to be a great gesture from this State to serve as an example of the importance and support placed upon the religious beliefs of the Jewish Citizen of Alabama; and

WHEREAS, the Jewish faith requires individuals to spend those holiest of holy days in worship and in abstinence from all secular activities; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING**, that we pay tribute to the faith and devotion of the Jewish community for their valiant effort in encouraging good government and happiness of mankind through religion, morality and knowledge.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

**BILLS ON THIRD READING RESUMED**

The Bill:

H. 287. To amend Section 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

was taken up.

Senator Keener moved that further consideration of the Bill, H. B. 287, be postponed temporarily.

On motion of Senator Teague, the motion to postpone was laid on the table.

And said Bill, H. B. 287, was read a third time at length and passed.

Yeas 24; Nays 2.

Yeas:

Senators:	Denton	Hilliard	Mitchell
Bailey	Dixon	Holmes	Mitchem
Barron	Figures	Keener	Robertson
Bedsole	Foshee	Kirkland	Smith (B)
Bishop	Goodwin	Little	Smith (J)
Covington	Harrison	Menton	Teague
deGraffenried			

Nays: Senators Bedford and Cabaniss

—2

The Bill:

H. 534. To further amend Section 40-23-1, Alabama Code, 1975, as amended, which Section contains various definitions applicable to the Alabama Sales Tax, so as to clarify, and remove ambiguity from, the definitions of "gross proceeds of sales", "gross receipts" and "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

was taken up.

### RESOLUTION

Senator Mitchem offered the following Senate Resolution, to-wit:

S. R. 319. COMMENDING THE BANK OF BLOUNTSVILLE FOR SIXTY YEARS OF SERVICE TO THE CITIZENS OF BLOUNT COUNTY.

Which was adopted.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 102. Relating to Tuscaloosa County, to repeal, in part, Act 613, H. 1289, 1977 Regular Session, (Acts of 1977, p. 922) a population based bill for Tuscaloosa County relating to voter registration; specifically repealing Section 11 pertaining to the voter signature book and Section 12 pertaining to the suspension of registration.

Also:

H. 111. Relating to Choctaw County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

Also:

H. 183. Relating to Mobile County; to provide for the allocation of up to twenty percent (20%) of the proceeds of ad valorem tax funds levied and collected in accordance with the terms of Act No. 319, H. 593, Regular Session 1976 (Acts 1976, p. 353), by the Mobile County Board of Health for general health purposes.

Also:

H. 184. Relating to the City of Citronelle, in Mobile County; providing further for any tax revenues received by Citronelle, pursuant to Act No. 82-427, H. 221, Regular Session 1982 (Acts 1982, p. 675), relating to the distribution of certain alcoholic beverage tax revenues to counties and municipalities, so as to prescribe that all such funds in Citronelle be disbursed to the Citronelle Historical Society and make the provisions retroactive to January 1, 1983.

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Also:

H. 218. Relating to Jackson County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; and providing for a referendum.

Also:

H. 220. To amend Act 79-473, Regular Session 1979, as amended by Act 80-558 of the Regular Session 1980 (Acts 1980, p. 867), which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes to Jackson County, so as to provide that a portion of such payments shall be used to provide for a legislative office for the members of the state legislative delegation serving Jackson County.

Also:

H. 221. Relating to Jackson County; amending Section 2 of Act No. 79-349, H. 761, 1979 Regular Session (Acts 1979, p. 562), relating to the distribution of the use of coal severance tax in the county collected pursuant to said act, so as to further provide therefor.

Also:

H. 237. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

H. 238. To make appropriations for the support and maintenance of the Tuskegee Institute.

Also:

H. 239. To make appropriations for the support and maintenance of the Talladega College.

Also:

H. 240. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

H. 241. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Also:

H. 316. Relating to Jackson County; to authorize the Jackson County Commission to fix a county fire protection tax of 2 mills on certain taxable real estate in Jackson County, excluding row crops and pasture lands; to authorize the Jackson County Commission to appoint the president of the Jackson County Association of Volunteer Fire Departments to the office of fire marshal of Jackson County; to authorize the Jackson County Commission to spend the fire protection tax funds through requisition presented by the fire marshal of Jackson County; to authorize the Jackson County Commission to adopt a county fire code; to authorize the Jackson County Association of Volunteer Fire Departments to establish fire districts in the geographical boundaries of Jackson County; and to exclude from fire districts any corporate municipality which does not request through resolution by its

governing body to be made a part of and subject to the provisions of this act.

Also:

H. 410. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

Also:

H. 507. Relating to Lee County; to provide further for the election of the members of the county board of education.

Also:

H. 511. Relating to Lee County; to legalize the sale of draft or keg beer or malt beverages.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 619. Relating to Chambers County; requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

Also:

H. 672. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Forkland in Greene County.

Also:

H. 680. Relating to Randolph County; requiring the county health department or its agent, to perform soil percolation tests for septic tank installation purposes for a certain fee.

Also:

H. 681. To amend § 34-23-116, Code of Alabama of 1975, relating to exemptions from the "Third Party Prescription Program Act" in Title 34, Chapter 23, Article 5, Code of Alabama of 1975, so as to provide for exemption of services reimbursed by non-profit corporations organized under Title 10, Chapter 4, Article 6, Code of Alabama of 1975, to establish and operate health care service plans.

Also:

H. 686. To further amend Section 11-60-1, Code of Alabama, 1975 respecting municipal public park and recreation boards, to amend the definitions in the said act to include the recreational facilities, handball courts and gymnasiums in the definition of "Project" therein.

Also:

H. 694. Relating to Randolph County; providing further for the compensation of the county coroner.

Also:

H. 770. Relating to Tuscaloosa County; providing for the filing for record and the preservation of all orders and decrees made and entered by any judge of the circuit court in Tuscaloosa County.

Also:

H. 797. To amend Section 5 of Act No. 82-362, H. 772, of the Regular Session of 1982, relating to the compensation of deputy sheriffs in Calhoun County, so as to clarify the date on which such act shall become effective.

Also:

H. 816. Relating to Marshall County; to provide that all county commissioners shall serve full time; providing for compensation; and providing for retroactive effect.

Also:

H. 831. Relating only to Choctaw County, to further provide for the distribution of the tax levied by Act #82-344, Acts of Alabama, regular session 1982.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 554. To authorize the governing body of the City of Huntsville in Madison County to regulate and permit the sale and consumption of alcoholic beverages upon the licensed premises of licensees of the Alabama Alcoholic Control Board and licensees of the City of Huntsville on Sunday; to provide that the provisions of this act are cumulative, and that the act shall not be held to repeal any other general or special act; and to provide an effective date for this act.

Also:

S. 547. Relating to Lee County, providing further for the registration fees on mobile homes; providing further for the distribution of such fees; providing for an effective date; and repealing Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597).

Also:

S. 552. To approve the proposal of the governing body of the City of Huntsville and the Board of Education of the City of Huntsville, relating to the special school taxes heretofore levied pursuant to Amendment No. 305 of the Constitution of Alabama of 1901, that the rate of said special school taxes be increased above the limit provided by said Amendment No. 305 so as to increase the total rate of ad valorem taxes to be levied and collected pursuant to Amendment No. 305 by 65¢ on each one hundred dollars worth of taxable property (6½ mills), making the total levy pursuant to Amendment No. 305, 11½ mills; providing for an election by the qualified electors of the City of Huntsville at a special election called and held in accordance with law governing special elections; and providing for an effective date for this Act.

Also:

S. 378. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Mobile County; and to provide that the provisions of this amendment shall be self-executing.

JOHN W. PEMBERTON,  
Clerk.

#### **FURTHER CONSIDERATION OF H. B. 534**

The Senate proceeded to further consideration of the Bill, H. B. 534.

On motion of Senator Keener, further consideration of the Bill, H. B. 534, was postponed subject to the call of the Chair.

#### **BILLS ON THIRD READING RESUMED**

The Bill:

H. 535. To amend Section 40-23-60, Alabama Code, 1975, which Section contains various definitions applicable to the Alabama Use Tax, so as to clarify, and remove ambiguity from, the definitions of "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

was taken up.

On motion of Senator Foshee, further consideration of the Bill, H. B. 535, was postponed subject to the call of the Chair.

The bill:

H. 260. To amend Section 40-23-50, Code of Alabama 1975, so as to delete the exemption from payment of contractors gross receipts tax which is allowed when a municipality or a county is a joint party with the state in a contract to construct, reconstruct or build any public highway, road, bridge or street; and to clarify the definition of "gross receipts" as applied to such contracts.

was taken up.

On motion of Senator Foshee, further consideration of the Bill, H. B. 260, was postponed subject to the call of the Chair.

The Bill:

H. 648. To amend Sections 27-43-3, 27-43-6, and 27-43-15, Code of Alabama 1975, relating to legal expense insurance, so as to permit certain persons conducting life, accident and sickness insurance business to transact legal insurance business.

was taken up.

On motion of Senator Foshee, further consideration of the Bill, H. B. 648, was postponed subject to the call of the Chair.

#### FURTHER CONSIDERATION OF H. B. 260

The Senate proceeded to further consideration of the Bill, H. B. 260.

And said Bill, H. B. 260, was read a third time at length and passed.

Yeas 18; Nays 2.

Yeas:

Senators:	Cooley	Goodwin	Mitchem
Aldridge	Covington	Holmes	Robertson
Amari	Denton	Keener	Smith (B)
Bedford	Dixon	Kirkland	Teague
Cabaniss	Foshee	Menton	—18

Nays: Senators Corbett and Harrison —2

#### FURTHER CONSIDERATION OF H. B. 243

The Senate proceeded to further consideration of the Bill, H. B. 243.

Senator Goodwin offered the following substitute for the Bill, H. B. 243, to-wit:

#### SUBSTITUTE FOR H. B. 243

##### A BILL TO BE ENTITLED AN ACT

To amend Sections 4, 7, 10, 11 and 16 of Title 40, Chapter 15, Code of Alabama, 1975, that imposes an estate and inheritance tax by changing due dates under this Chapter from 15 months after the decedent's death to 9 months after the decedent's death and by changing the interest rate charged for delinquent payments from six percent per annum to the rate established in Section 40-1-44, Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-15-4, Code of Alabama, 1975, is hereby amended so as to read as follows:

“§ 40-15-4. Time of payment; extension of time.

The tax imposed by this chapter shall be due and payable on or before 15 9 months after the decedent's death and shall be paid by the personal representative to the department of revenue; provided, that where the department of revenue finds that the payment on the due date of any part of

the amount due would impose undue hardship upon the estate, the department of revenue may extend the time for payment of all or any part, not to exceed 10 years from the original due date. In such case the amount or amounts in respect of which the extension is granted shall be paid on or before the dates thus fixed, unless further extended within said limitation as to time. If the time for payment is extended, there shall be collected, in addition to the tax, interest thereon at the legal rate from the original due date of the tax to the date of payment.

The department of revenue may, in its discretion, accept such security as it may approve for the deferred payments or may release any part of remainder of the estate from any claim or lien for the payment of the tax."

Section 2. Section 40-15-7, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§ 40-15-7. Nonresident decedents.

(a) Except as herein otherwise provided, all of the provisions of this chapter shall be applicable to so much of the estates of nonresident decedents as is subject to estate tax under the act of congress in effect at the time of the death of decedent as consists of real estate or tangible personal property located within this state or other items of property or interest therein lawfully subject to the imposition of an estate tax by the state of Alabama.

(b) In assessing the tax upon any real estate or tangible property located within this state belonging to the estate of a nonresident decedent, which shall pass by will, devise or by the laws of intestacy, the department of revenue shall determine the tax due to be such proportion of the federal estate tax as would be leviable upon an estate of similar taxable net value, less that proportion of any exemption to which the estate is entitled, which the actual value of the real estate and tangible personal property located within this state belonging to the estate of the nonresident decedent bears to the actual value of the gross estate of the nonresident decedent wherever situate whether in this state or not.

(c) No tangible personal property located within this state belonging to the estate of a nonresident decedent and taxable under this chapter shall be transferred or delivered to any person except a legal representative of the estate of said deceased duly appointed whether in this state or in the state of the decedent's domicile by a court having jurisdiction for the purpose.

(d) Such property shall not be transferred or delivered to a foreign legal representative until the tax has been paid, except under such conditions and after giving such security as the department of revenue may agree upon. Any person or corporation which shall transfer or deliver or having control thereof shall permit the transfer or delivery of any such property to any person other than a resident legal representative before such tax has been paid shall be liable for the tax and additional penalty of not more than \$1,000.00 in an action brought by the department of revenue for the use of the state.

(e) Legal representatives shall be liable for such tax upon and to the extent of all such property which shall come into their hands as such, with interest as hereinafter provided.

(f) Every person having in his possession or control any tangible personal property belonging to the estate of a nonresident and taxable under this chapter shall, unless the property is delivered to a resident legal repre-



sentative within 30 days after the death of the owner, notify the department of revenue and prepare and transmit to him an itemized schedule of the property. If the tax is not paid or a resident legal representative appointed within 15 9 months after the owner's death, the circuit court of the county of Montgomery shall, upon petition of the department of revenue, appoint a resident legal representative, or a special legal representative as the circumstances of the case may require, to whom the property shall be transferred, whose duty it shall be to collect and pay the tax and to account for the balance of the property according to law under order of the court.

(g) All taxes imposed by this chapter in relation to estates of nonresident decedents shall be due and payable at the time of the death of the decedent; and, if not paid within 15 9 months thereafter, unless the time for payment shall be extended, interest at the rate of 12 percent per annum shall be charged and collected from the expiration of 15 9 months after the death of the decedent, and said taxes and interest shall be and remain a lien on the property transferred until the same are paid.

(h) Real estate and tangible personal property within the jurisdiction of this state, except as otherwise provided, belonging to nonresidents which shall pass by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, shall be subject to the same tax imposed upon transfers hereinbefore described by this chapter. The taxes upon such transfer shall become due and payable at once upon the death of the grantor or donor, and if not paid within 15 9 months from the death of the grantor or donor, unless the payment shall be extended, shall be subject to interest as aforesaid after the expiration of said period until paid. Said taxes and interest shall be a charge against the person receiving such property, and the property transferred shall be subject to a lien to secure its payment. All persons or corporation within the jurisdiction of the state in whose possession or control any such property so transferred or to be transferred remains at the time of the death of the grantor or donor shall be subject to all the duties, liabilities and penalties imposed herein upon persons having the possession or control of the personal estate of such decedent.

(i) A resident legal representative holding personal property of a deceased nonresident subject to said tax shall deduct the tax therefrom or collect it from the legal representative in the state of the decedent's domicile and shall not deliver such property to him or any other person until he has collected the tax and paid the same to the department of revenue. When the transfer of such personal property is subject to a tax under the provisions of this chapter and the legal representative in the state of domicile neglects or refuses to pay the tax upon demand, or if for any reason the tax is not paid within 15 9 months after the decedent's death, or within the time extended, the resident legal representative may, upon such notice as the circuit court of the county of Montgomery may direct, be authorized to sell such property or, if the same can be divided, such portion thereof as may be necessary, and shall deduct the tax from the proceeds of such sale and shall account for the balance, if any, in lieu of the property. When a conveyance made by the nonresident decedent in his lifetime is subject to said tax, the resident legal representative shall collect the taxes due on account of such conveyance and may be authorized to sell any property subject to the lien of such tax, as in other cases.

(j) The department of revenue shall determine the amount of all taxes due and payable under the provisions of this chapter in relation to nonresi-

dent decedents and shall certify the amount due and payable to the resident legal representative, if any, otherwise, to the person or persons by whom the tax is payable.

(k) The department of revenue, whenever it has knowledge or reason to believe that any person, firm or corporation has in his, its or their possession or control any tangible personal property belonging to the estate of a deceased nonresident upon or in respect to which the tax has not been paid and a schedule of which has not been furnished, as herein provided, or that any such person, firm or corporation has received a transfer or delivery of such property or made such transfer or delivery, except to a resident legal representative, upon which or in respect to which the tax has not been paid, as herein provided, or that such person, firm or corporation has knowledge of a transfer or delivery of any such personal property, of such nonresident decedent in his lifetime, by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, or has possession or control of property so transferred, may require such person or any member of such firm or any officer of such corporation to appear at the office of the department of revenue at Montgomery, at such time as the department of revenue may designate, and then and there to produce for the use of the department all books or papers which may be in the possession or control of such person, firm or corporation relating to such property or transfer or delivery and to furnish such other information relating to the same as he may be able and the department may require. Whenever the department of revenue shall require the attendance of any person, as herein provided, it shall issue a notice stating the time and place when such attendance is required and shall transmit the same by certified or registered mail, or cause a copy of the same to be given in hand, to such person at least 14 days before the date when such person is required to appear. If any person receiving such notice shall neglect or fail to attend or to give attendance so long as may be necessary, for the purpose for which the notice was issued, or refuse to furnish such books or papers or give such information, or if a corporation or firm whose officer or member is thus summoned refuses to permit him to produce such books or papers as are called for and are within the control of the corporation or firm, such person, firm or corporation shall be liable to a penalty of \$25.00 for each offense, which may be recovered by the department of revenue for the use of the state. Any person attending in response to summons as herein provided shall thereafter be entitled to the same travel and witness fees as are allowed to witnesses summoned to testify on behalf of the state in other cases. The department of revenue may commence an action for the recovery of any taxes assessable hereunder at any time after the expiration of 15 9 months from the death of the decedent."

Section 3. Section 40-15-10, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§ 40-15-10. Appraisement upon failure to make reports.

Upon the failure to make and file with the department of revenue of Alabama the reports herein required of the legal representative of any estate against which a tax is required herein to be paid to the state of Alabama within 15 9 months from the qualification of the legal representative, such estate may be appraised and assessed for the estate taxes herein levied by the department of revenue or its authorized representative or agent who shall have full power and authority to require the production of all evidence that will enable it or its agent to determine the value of all property of any such estate subject to be taxed under this chapter."

Section 4. Section 40-15-11, Code of Alabama, 1975, is hereby amended so as to read as follows:

“§ 40-15-11. Execution for tax.

The tax imposed on the estates under the provision of this chapter, after tentative notice and opportunity to protest, if return has been made as contemplated hereby, shall have the full force and effect of a judgment on which execution may be issued by the Department of Revenue, and if a legal representative of any estate taxable under this chapter fails to pay the amount assessed against such estate within six months after notice from the proper authorities as to the amount to be paid, or 15 9 months after the death of the decedent whichever is later, provided that no extension is granted in respect to the whole or any part of the tax, the Department of Revenue is hereby authorized and it shall be its duty to issue execution directed to the sheriff of any county in the State of Alabama in which any of the property of the estate is located for the amount of such tax against said estate, which execution shall be enforced by levy and sale, and the amount due shall bear interest at the rate of one percent per month until paid.”

Section 5. Section 40-15-16, Code of Alabama, 1975, is hereby amended so as to read as follows:

“§ 40-15-16. Interest on delinquent payments.

Should all returns be made within the time specified in this chapter, the estate tax and any deficiency in respect thereof levied by this chapter shall be delinquent 15 9 months after the death of decedent. All or any part of the estate tax or any deficiency in respect thereto not paid before delinquent date shall bear interest at the rate established in Section 40-1-44, Code of Alabama, 1975 of six percent per annum until paid, except as otherwise provided by this Chapter.”

Section 6. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 1.

Yeas:

Senators:	Cooley	Goodwin	Menton	
Aldridge	Covington	Harrison	Mitchem	
Bedford	Denton	Holmes	Proctor	
Bishop	Dixon	Keener	Smith (B)	
Cabaniss	Foshee	Kirkland	Teague	—19

Nay: Senator Corbett —1

And said Bill, H. B. 243, as amended by the substitute, was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Denton	Holmes	Proctor	
Bishop	Dixon	Keener	Robertson	
Cabaniss	Foshee	Kirkland	Smith (B)	
Cooley	Goodwin	Menton	Teague	
Covington	Harrison	Mitchem		18

*Nays:*

—0

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 345. COMMENDING MR. WILLIAM C. RATLIFF, JR., OF BIRMINGHAM, ALABAMA, RECIPIENT OF A REGIONAL "OUTSTANDING HANDICAPPED POSTAL EMPLOYEE OF THE YEAR" AWARD.

*Also:*

H. J. R. 373. COMMENDING THE STATE STREET AFRICAN METHODIST EPISCOPAL ZION CHURCH OF MOBILE, ALABAMA, 1820-1983; FOR 163 YEARS, THE LORD'S HOLY TEMPLE.

*Also:*

H. J. R. 342. COMMENDING DR. WAYNE TEAGUE, THE STATE BOARD OF EDUCATION AND THE DIVISION OF ADMINISTRATION AND FINANCIAL SERVICES.

*Also:*

H. J. R. 456. COMMENDING JEAN ELKINS CHENAULT FOR HER OUTSTANDING WORK FOR THE STATE OF ALABAMA.

*Also:*

H. J. R. 455. COMMENDING OUR COLLEAGUE REPRESENTATIVE NOLAN WILLIAMS OF NEWTON.

On motion of Senator Denton, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 153. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

*Also:*

S. J. R. 251. NAMING THE NEW BUSINESS AND EDUCATION BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE "HARRY CAMPBELL BUSINESS AND EDUCATION BUILDING."

Also:

S. J. R. 253. NAMING THE HEALTH AND FINE ARTS BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE W. M. BECK HEALTH AND FINE ARTS CENTER.

On motion of Senator Denton, the Resolutions were then adopted by the Senate.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 320. RESOLVED BY THE SENATE That the following bill will be the paramount and continuing order and taking precedence over any and all other business of the Senate until disposed of:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 420	Inc. franchise tax	6

On motion of Senator Denton, the Resolution was then adopted by the Senate.

### SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the next special, paramount, and continuing order of business for today, which was the Bill:

H. 420. To amend the following sections of the Code of Alabama 1975: § 40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 420, to-wit:

### COMMITTEE SUBSTITUTE FOR H. B. 420 A BILL TO BE ENTITLED AN ACT

To amend Sections 40-14-40 and 40-14-43, Code of Alabama 1975, so as to increase the amount of franchise tax levy on domestic corporations and change the distribution formula to adjust for the increase.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-14-40 and 40-14-43, Code of Alabama 1975, are hereby amended to read as follows:

“§ 40-14-40.

“Every corporation organized under the laws of this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax of ~~\$3.00 on each \$1,000.00 of~~ based on

its capital stock; as follows:

	Rate on each \$1,000.00 of capital stock
<u>For the tax year beginning</u>	
<u>January 1, 1984</u>	<u>\$ 9.00</u>
<u>And all tax years thereafter</u>	<u>\$ 9.00</u>

provided, that in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of \$25.00-\$100.00.

"§ 40-14-43.

"Remittance of the franchise tax required by the above sections shall be made to the department of revenue at Montgomery, Alabama, with checks payable to the state treasurer of Alabama. ~~Two twenty-fifths of the~~ The franchise tax collected shall be distributed as follows: One part, which shall be known as the 'Counties Portion,' shall be apportioned by the department of revenue to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the comptroller shall draw his warrant payable to the county treasurer of each county in such proportion upon certificate of the department of revenue. ~~One fifth~~ One portion of the franchise tax collected shall be deposited in the state treasury to the credit of the state public welfare trust fund and is hereby appropriated for general welfare purposes; the remainder of said tax shall be paid by the department of revenue to the general fund. The annual portions referred to above shall be in accordance with the following distribution schedule:

"Distribution Schedule

<u>"For the tax year</u> <u>beginning</u>	<u>Counties</u> <u>Portion</u>	<u>Public Welfare</u> <u>Trust Fund Portion</u>	<u>General</u> <u>Fund</u>
<u>January 1, 1984</u>	<u>6.6%</u>	<u>16.4%</u>	<u>77%</u>
<u>And all tax years</u> <u>Thereafter</u>	<u>6.6%</u>	<u>16.4%</u>	<u>77%</u>

In this section, 'general welfare purposes' means:

"(1) The administration of public assistance as set out in Sections 38-2-5 and 38-4-1;

"(2) Services, including supplementation and supplementary services under the Federal Social Security Act to or on behalf of persons to whom such public assistance may be given under said Section 38-4-1;

"(3) Services to and on behalf of dependent, neglected or delinquent children; and

"(4) Investigative and referral services to and on behalf of needy persons."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective January 1, 1984, following its passage and approval by the Governor or upon its otherwise becoming a law.

REGULAR SESSION  
29th Day

1449

Which was adopted.

Yeas 15; Nays 4.

*Yeas:*

Senators:	Cabaniss	Goodwin	Proctor	
Aldridge	deGraffenried	Little	Robertson	
Barron	Denton	Menton	Smith (B)	
Bedford	Dixon	Mitchem	Teague	—15

*Nays:*

Senators: Bishop, Corbett, Harrison, Kirkland —4

And said Bill, H. B. 420, as thus amended by the substitute, was read a third time at length and passed.

Yeas 13; Nays 11.

*Yeas:*

Senators:	Denton	Mitchell	Pearson	
Bedsale	Goodwin	Mitchem	Robertson	
Corbett	Little	Parsons	Teague	
deGraffenried	Menton			—13

*Nays:*

Senators:	Boyington	Harrison	Kirkland	
Aldridge	Cabaniss	Holmes	Smith (B)	
Bedford	Dixon	Keener	Smith (J)	—11

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 321. **RESOLVED BY THE SENATE** That the following bills will be the paramount and continuing order and taking precedence over any and all other business of the Senate until disposed of:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 244	Corporate income tax	5
H. B. 236	General Fund	11

On motion of Senator Denton, the Resolution was then adopted by the Senate.

**SPECIAL ORDER**

**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the next special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 244. To further amend §§ 40-18-42, 40-18-80, 40-18-82, and 40-18-83, Code of Alabama 1975, so as to provide for elimination of installment payments of income tax by corporations and fiduciaries and to require the

filing and payment of declarations of estimated income tax by corporations.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 244, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 244

Amend House bill 244 on page 1 in the Synopsis on line 12 and in the Title on line 22 after the period after the word "corporations" by inserting the following:

"This bill will also allow as a deduction for corporate income tax purposes limited carry forward (but no carry back) of corporate net operating losses."

Further amend House Bill 244 by adding a new section 6 on page 11, after line 32, as follows and by renumbering the remaining sections accordingly:

"Section 6. Carry forward of net operating losses.

In computing the net income of domestic and foreign corporations subject to income tax as outlined in Section 40-18-35, there shall be allowed; in addition to the deductions specified in sub section (1) - (13) inclusive, thereof; a deduction for the sum of the net operating losses which may be carried forward to the taxable year for which the net income of the corporation is being computed, provided that the deduction under this subdivision shall not exceed \$500,000 in any taxable year.

a. The term "net operating loss" for purposes of this section means the excess of the deductions (other than the deduction allowed by this subdivision) allowed by this chapter during a taxable year of the corporation which begins after December 31, 1983 over the corporation's gross income during such taxable year. For purposes of this paragraph, the corporation's gross income and allowable deductions shall be determined under the provisions of this chapter applicable to the year in which the net operating loss arises.

b. A net operating loss shall be carried forward to the earliest subsequent year in which the corporation has net income (determined without taking into account the deduction allowed by this subdivision). The amount of a net operating loss which may be carried to any later taxable year shall be the excess of the net operating loss over the sum of the amounts thereof deductible under this subdivision in all the taxable years preceding this taxable year, except that no net operating loss may be carried forward to and deducted in a taxable year that begins more than five years after the first day of the taxable year in which it was incurred.

c. If net operating losses arising in more than one year can be carried to a taxable year of the corporation, the net operating loss arising from the earliest of such years shall be deducted first.

d. In the case of a non-resident foreign corporation, the net operating loss deduction allowed by the section shall be limited to sources attributable to Alabama."

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Senators:  
Aldridge

Amari  
Bedford

Bedsole  
Boyington

Cabaniss  
Cooley



REGULAR SESSION  
29th Day

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Corbett	Foshee	Little	Proctor
Covington	Goodwin	Mitchell	Robertson
deGraffenried	Holmes	Mitchem	Smith (B)
Denton	Keener	Parsons	Smith (J)
Dixon	Kirkland	Pearson	Teague
			—27
Nays:			
			—0

Senator Foshee offered the following amendment to the Bill, H. B. 244, as amended, to-wit:

**AMENDMENT TO H. B. 244, AS AMENDED**

To amend H. B. 244 as amended. Section 6b is hereby amended to read as follows:

“b. A net operating loss shall be carried forward to the earliest subsequent year in which the corporation has net income (determined without taking into account the deduction allowed by this subdivision). The amount of a net operating loss which may be carried to any later taxable year shall be the excess of the net operating loss over the sum of the amounts thereof deductible under this subdivision in all the taxable years preceding this taxable year.”

and by adding section 6e as follows:

“e. This deduction shall be limited as follows:

(1) Any loss arising in any year beginning during 1984 may be carried forward five years.

(2) Any loss arising in any year beginning during 1985 may be carried forward four years.

(3) Any loss arising in any year beginning during 1986 may be carried forward three years.

(4) Any loss arising in any year beginning during 1987 may be carried forward two years.

(5) Any loss arising in any year beginning during 1988 may be carried forward one year and

(6) Any loss in any year beginning after December 31, 1988 may not be carried forward.”

Which was adopted.

Yeas 24; Nays 4.

Yeas:

Senators:	Covington	Harrison	Mitchell
Amari	deGraffenried	Holmes	Mitchem
Barron	Denton	Keener	Pearson
Bedford	Dixon	Kirkland	Proctor
Bedsole	Foshee	Little	Robertson
Cabaniss	Goodwin	Menton	Teague
Cooley			—24

Nays:

Senators:	Bishop	Parsons	Smith (J)
Aldridge			—4

Senator Bishop offered the following amendment to the Bill, H. B. 244, as amended, to-wit:

### AMENDMENT TO H. B. 244, AS AMENDED

Amend House Bill 244 on page 1, in the first paragraph of "Section 6.", after the word "exceed" strike the figure "\$500,000" and insert in lieu thereof the figure "\$600,000".

Which was adopted.

Yeas 27; Nays 4.

Yeas:

Senators:	Bedsole	Dixon	Menton	
Aldridge	Bishop	Foshee	Mitchell	
Amari	Cabaniss	Goodwin	Mitchem	
Bachus	Cooley	Holmes	Parsons	
Bailey	Covington	Keener	Proctor	
Barron	deGraffenried	Kirkland	Robertson	
Bedford	Denton	Little	Smith (B)	—27

Nays:

Senators:	Pearson	Smith (J)	Teague	
Harrison				—4

### REPORT OF COMMITTEE ON RULES

Mr. President Pro Tem:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 93. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for such procedures.

Also:

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; to provide for the reimbursement of the actual and necessary expenses of the members of the committee; and to appropriate necessary funds.

Also:

S. 480. Relating to Mobile County; requiring that twenty percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be allocated for the gifted child.

Also:

S. 506. To authorize the City of Prichard, Mobile County, Alabama, to

establish an Enterprise Zone in the area of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such area, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

Also:

S. 530. Relating to DeKalb County; providing further for the costs and charges in all district court cases and providing for the establishment of a juvenile probation fund in the county.

Also:

S. 537. Relating to Calhoun County; authorizing the county commission to levy an additional  $\frac{1}{2}\text{¢}$  sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Also:

S. 544. To establish service territories for electric suppliers in and around Tarrant City, Jefferson County, Alabama; to declare that it is the policy of the State of Alabama to ensure effective, economical and orderly supply of electric service at retail to customers in and around Tarrant City and to avoid unnecessary duplication of facilities by electric suppliers for the furnishing of retail electric service; to provide procedures for eliminating or reducing the potential for duplication of electric distribution facilities in and around Tarrant City by adopting and mandating that the procedures for elimination and prevention of the duplication of electric distribution facilities set forth in that certain agreement between Tarrant City and Alabama Power Company dated June 8, 1983 shall be the law of this State.

Also:

S. 546. Relating to Limestone County; prohibiting residents of the City of Athens from voting in the election of the county superintendent and county board of education; and the provisions of this act shall be subject to an advisory referendum with the qualified electors voting thereon.

Also:

S. 548. Relating to Escambia County; providing further for the compensation of supernumerary circuit clerks; providing for an expense allowance for such supernumerary officials and allocating the amount payable from the county general fund.

Also:

S. 549. Relating to Pickens County; to provide for the time intervals in which elections may be held as to the question of whether to allow or to prohibit the manufacture and sale of wine, alcoholic liquor or beverages as

provided for by Article IV, Section 104 of the Constitution of Alabama of 1901.

Also:

S. 550. Relating to Pickens County; prohibiting the possession of alcoholic liquors and beverages as provided for by Article IV, Section 104 of the Constitution of Alabama of 1901; providing for exceptions; and providing penalties for violations.

Also:

S. 378. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Mobile County; and to provide that the provisions of this amendment shall be self-executing.

Also:

S. 547. Relating to Lee County, providing further for the registration fees on mobile homes; providing further for the distribution of such fees; providing for an effective date; and repealing Act No. 481, H. 1193, 1976 Regular Session (Acts 1976, p. 597).

Also:

S. 552. To approve the proposal of the governing body of the City of Huntsville and the Board of Education of the City of Huntsville, relating to the special school taxes heretofore levied pursuant to Amendment No. 305 of the Constitution of Alabama of 1901, that the rate of said special school taxes be increased above the limit provided by said Amendment No. 305 so as to increase the total rate of ad valorem taxes to be levied and collected pursuant to Amendment No. 305 by 65¢ on each one hundred dollars worth of taxable property (6½ mills), making the total levy pursuant to Amendment No. 305, 11½ mills; providing for an election by the qualified electors of the City of Huntsville at a special election called and held in accordance with law governing special elections; and providing for an effective date for this Act.

Also:

S. 554. To authorize the governing body of the City of Huntsville in Madison County to regulate and permit the sale and consumption of alcoholic beverages upon the licensed premises of licensees of the Alabama Alcoholic Control Board and licensees of the City of Huntsville on Sunday; to provide that the provisions of this act are cumulative, and that the act shall not be held to repeal any other general or special act; and to provide an effective date for this act.

CHARLES BISHOP,  
Chairperson.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Heritage Trust Fund.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 22nd day of July, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama 36130

Lady and Gentlemen:

I am submitting, subject to your confirmation, the following appointee of former House Speaker Joseph C. McCorquodale, Jr., to the Alabama Heritage Trust Fund:

Mr. George Downing, President  
The Coca Cola Bottling Company  
P.O. Box 1427  
Mobile, Alabama 36633

Respectfully submitted,

GEORGE C. WALLACE,  
Governor.

Done this 22nd day of July, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Heritage Trust Fund.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 22nd day of July, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama 36130

Lady and Gentlemen:

I am submitting, subject to your confirmation, the following appointee of former Lieutenant Governor George McMillan, Jr., to the Alabama Heritage Trust Fund:

Mr. Don Brabston  
4200 Old Leeds Lane  
Birmingham, Alabama 35213

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 22nd day of July, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Heritage Trust Fund.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 22nd day of July, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama 36130

Lady and Gentlemen:

I am submitting, subject to your confirmation, the following appointee of former House Speaker Joseph C. McCorquodale, Jr., to the Alabama Heritage Trust Fund:

Mr. Arthur Joe Grant, A.I.A.  
Belvoir  
3250 Thomas Avenue  
Montgomery, Alabama 36106

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 22nd day of July, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Heritage Trust Fund.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 22nd day of July, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama 36130

Lady and Gentlemen:

I am submitting, subject to your confirmation, the following appointee of former Lieutenant Governor George McMillan, Jr., to the Alabama Heritage Trust Fund:

Mr. Olin B. King  
517 Franklin Street, SE  
Huntsville, Alabama 35801

Respectfully submitted,  
GEORGE C. WALLACE,  
Governor.

Done this 22nd day of July, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund, was read and referred to the Standing Committee on Rules.

**FURTHER CONSIDERATION OF H. B. 244**

The Senate proceeded to further consideration of the Bill, H. B. 244, as amended.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Seibels, Payne, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas,

Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Neveitt, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, Zoghby:

H. J. R. 461. MOURNING THE DEATH OF SERGEANT REX W. WINCHESTER OF THE IRONDALE POLICE DEPARTMENT.

Also:

By Rep. Williams:

H.J.R. 462. COMMENDING THE GULF OIL COMPANY, MR. D. C. INGLE, MR. R. D. HUCKABY, AND MR. FRANK ODOM FOR THEIR GENEROSITY AND VOLUNTEER WORK AT THE SOUTH-EAST ALABAMA REHABILITATION CENTER.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 461 and 462, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Butler, Carter, Brooks, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Neveitt, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, Zoghby:

H. J. R. 463. NAMING ACT NO. 83-572, HB 630, "THE STATE TROOPER DAVID TEMPLE ACT."

Also:

By Reps. Hettinger, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant,



Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, Zoghby:

H. J. R. 465. COMMENDING THE INTERIM COMMISSION ON  
ELEMENTARY AND SECONDARY SCIENCE AND MATHEMATICS.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 466. HONORING DR. W. E. BIRDSONG OF JASPER,  
ALABAMA.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 467. HONORING VALLEY SCHOOL.

Also:

By Reps. Nicholson, Richardson and Brakefield:

H. J. R. 468. COMMENDING LUCIOUS "SONNY" RICHARDSON  
OF JASPER, ALABAMA.

Also:

By Reps. Nicholson and Waggoner:

H. J. R. 469. COMMENDING SMITH LAKE CIVIC  
ASSOCIATION.

Also:

By Rep. Rogers:

H. J. R. 473. MOURNING THE DEATH OF MR. DAVID RIVERS.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 463, 465, 466, 467, 468, 469, and 473, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Martin:

**H. J. R. 441. CONTINUING AND REORGANIZING THE INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT.**

WHEREAS, under the provisions of Act No. 82-379 an Interim Committee on Municipal Government of the Legislature of Alabama was organized with eight (8) members of the Legislature, four (4) from the House appointed by the Speaker and four (4) from the Senate appointed by the Lieutenant Governor, and the Committee met after the adjournment of the 1982 Session and prior to the 1983 Session and has submitted its report to the Legislature; and

WHEREAS, the Committee made numerous recommendations with respect to the organization, function, administration, financial framework, election procedures, forms of government procedures, and the impact of growth and urbanization on Alabama cities and towns; and

WHEREAS, the current Legislature is in position to adopt several bills recommended by the Committee and will no doubt adopt several pieces of legislation which the Interim Committee recommended and there is a need to continue and complete the study begun by the said Interim Committee inasmuch as many areas, which the Committee studied, require further study in depth and require positive recommendations to the Legislature from the Committee; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That in order to further suggest to the State legislators additional sound, workable, financially feasible and economically possible methods of administration for Alabama's municipal governments, there is hereby continued and reorganized the Interim Committee on Municipal Government of the Legislature of Alabama to be composed of eight (8) members of the Legislature, four (4) members from the House to be appointed by the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to continue to analyze the present status of municipal government in Alabama and to make recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the municipal governments of this State to more adequately meet and furnish the services and requirements of their citizens.

In reviewing the status and the laws of municipal governments in Alabama, the Committee shall consider and make studies of, but shall not limit its consideration, to the following items:

1. Assessment and continued study of the effect of New Federalism and the problems created by its impact on the municipalities of Alabama; a study as to how the municipalities may continue furnishing services because of the serious reduction in federal assistance for municipal programs; a study of the block grant delivery of federal assistance for municipalities through the State and recommendations on such methods of delivery.

2. An assessment of the impact of the decision of the United States Supreme Court in Community Communications Company, Inc., v. City of Boulder, Colorado, which decision may lead to Alabama municipalities being concerned with the complexities and expense of anti-trust litigation and the need for legislative action to relieve municipalities from any possible anti-trust liability.

3. An assessment of the duplication of functions performed by the

State, counties and municipalities, and particularly in the areas of traffic safety, streets and highways, drainage, rights-of-way maintenance, solid waste disposal, law enforcement and fire protection; and a suggestion as to legislation to eliminate such duplications.

4. A review, with recommendations, as to how to improve annexation procedures, control of urban sprawl, and recommended solutions for hazardous waste disposal and energy conservation.

5. A review and effect of the proposed Constitution on local governments in Alabama.

BE IT FURTHER RESOLVED, That the Committee shall not consume more than forty-five (45) working days in performing its functions and that its report be finished in time for presentation of a preliminary report during the first week of the 1984 Regular Session of the Alabama Legislature and a final report to be submitted during the 1984 Regular Session of the Alabama Legislature, and that as far as practical that all meetings of the Committee shall be held in the State Capitol and be opened to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one (1) clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends the meeting of the Committee which shall be paid out of funds appropriated to the use of the Legislature on warrants drawn on the State Comptroller upon requisition signed by the Committee's Chairman. Provided, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The Chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of Seven Thousand Five Hundred Dollars (\$7,500.00). The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice Chairman. The Lieutenant Governor and the Speaker of the House shall be ex officio members of the Committee and shall receive compensation at the rate paid to members for each day that they sit with the Committee in its work on the subjects and problems listed in this Resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 441, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### FURTHER CONSIDERATION OF H. B. 244

The Senate proceeded to further consideration of the Bill, H. B. 244, as amended.

**RESOLUTION**

Senator Dixon offered the following Senate Resolution, to-wit:

**S. R. 322. COMMENDING THE SIGNIFICANT CONTRIBUTIONS OF BOTH TIME AND MONEY OF THE BAPTIST MEDICAL CENTER AUXILIARY, MONTGOMERY, ALABAMA.**

Which was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 258. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

Also:

H. 328. Relating to Shelby County; to provide further for the office of the county coroner; to prescribe an expense allowance for said coroner; to provide for a deputy county coroner; to prescribe salary and expense allowance for such deputy coroner and to provide for supplemental effect.

Also:

H. 443. Relating to Shelby County; authorizing and empowering the county commission to promulgate and implement rules and regulations including advance permit requirements for adequate control and accommodation of outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside of the municipal or town limits of any city or town in Shelby County and prescribing penalty for violation.

Also:

H. 482. Relating to Baldwin County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

Also:

H. 513. To promote the maintenance of Chilton County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Chilton County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Chilton County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Chilton County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Chilton County; to grant authority to the Chilton County Health Department to enforce littering laws in Chilton County, and to provide for a means to plea to the public to heed such laws and to help eliminate litter in such county.

Also:

H. 554. Relating to Lamar County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Lamar County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

Also:

H. 655. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Also:

H. 677. Relating to Elmore County, to provide an expense allowance and mileage allowance to supplement the compensation of the county coroner.

Also:

H. 692. To authorize the establishment of branch banks in Clarke County.

Also:

H. 707. Relating to Clarke County; providing that the Clarke County Commissioners shall serve full time as such officers.

Also:

H. 729. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayden, in Blount County.

Also:

H. 753. Relating to Fayette and Lamar County; establishing a district legislative delegation office in such counties; providing for the operation of such office; and prescribing that the county governing body of each county shall pay a monthly expense allowance, from their respective county treasuries, to the house member representing such counties who shall maintain and account for a separate bank account for the operation of such office.

Also:

H. 803. Relating to Hale County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Hale County; repealing conflicting laws; and prescribing the effective date of this act.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-

thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 805. To exempt the 34th National Square Dance Convention from the payment of all state, county and municipal sales and use taxes.

Also:

H. 817. Relating to Morgan County; permitting banks authorized to engage in the banking business and having an office or place of business in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Flint, Alabama, for the conduct of a general banking and trust business.

Also:

H. 827. Relating to Bibb County; to provide further for the expense allowance for members of the board of education.

Also:

H. 828. Relating to Bibb County; to amend Section 1 of Act No. 81, H. 530, Regular Session 1977 (Acts 1977, p. 119), relating to the issuance of pistol permits by the sheriff, so as to increase the fees thereof.

Also:

H. 836. Relating to Macon County; providing that the members of the board of registrars shall be included in the county insurance program and providing retroactive effect.

Also:

H. 837. Relating to Macon County; to authorize the county governing body to pay an additional expense allowance to the circuit clerk in Macon County; and to give retroactive effect.

Also:

H. 838. Relating to Macon County; providing for an expense allowance for the coroner.

Also:

H. 841. Relating to Fayette County; providing a travel and subsistence expense allowance for the county superintendent of education; specifically repealing Act No. 442, H. 842, 1947 Regular Session (Local Acts 1947, p. 300); and providing that this act shall become effective July 1, 1983.

Also:

H. 849. Relating to Calhoun County; authorizing the county commission to levy an additional  $\frac{1}{2}$ ¢ sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state depart-

ment of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Also:

H. 857. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, insects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

Also:

H. 859. Relating to the City of Prichard, Mobile County and the pension and retirement fund for such city; amending further Sections XII and XXII of Act No. 235, H. 290, of the 1963 Regular Session (Acts 1963, p. 636) as last amended, relating to the payment eligibility and the formula therefor of certain retirees, and persons who leave city service before retirement, so as to provide that all monies contributed by the member to such fund and increases for retirees.

Also:

H. 860. Relating to Marshall County; to further regulate the appropriation and distribution of Tennessee Valley Authority funds paid in-lieu-of-taxes.

Also:

H. 861. To authorize the Marshall County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 874. To alter, rearrange and extend the boundaries and corporate limits of the City of Columbiana, Alabama, so as to incorporate certain territory as described herein.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE SENATE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 885. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Hale County, Alabama, which are used for

timber growing purposes, to provide protection against forest fires within Hale County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

Also:

H. 890. Relating to Houston County; to provide for an expense allowance for the members of the county board of education and to repeal certain conflicting laws.

Also:

H. 904. Relating to Marengo County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Marengo County; repealing conflicting laws; providing for a referendum and prescribing the effective date of this act.

Also:

H. 916. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 223. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Jackson County, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Jackson County; to provide fire fighting and prevention services and to authorize the levy and collection of certain taxes for the support of such districts.

Also:

H. 845. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Macon County under certain conditions to issue general obligation bonds in not exceeding \$3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the  $\frac{1}{4}$  of 1% ad valorem tax authorized by Section 215 of said constitution to be levied by said county; to provide that none of said bonds shall be chargeable



against the constitutional debt limit of said county; and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

Also:

H. 847. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the City of Tuskegee in Macon County to issue general obligation bonds in not exceeding \$3,500,000 principal amount for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial"; to provide that said bonds may be secured by a pledge of a sufficient amount of the 1 ¼ % ad valorem tax authorized by Amendment 56 to said constitution to be levied by said city; to provide that none of said bonds shall be chargeable against the constitutional debt limit of said city, and to specify certain details pertaining to said bonds and to the issuance and sale thereof.

Also:

H. 862. To propose an amendment to the Constitution to provide that the legislature may, by local law, authorize the county governing body of Marshall County to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

Also:

H. 906. To propose an amendment to the Constitution of Alabama of 1901, to levy and collect an additional property tax within the Marengo County School District for public education purposes.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 342. COMMENDING DR. WAYNE TEAGUE, THE STATE BOARD OF EDUCATION AND THE DIVISION OF ADMINISTRATION AND FINANCIAL SERVICES.

Also:

H. J. R. 345. COMMENDING MR. WILLIAM C. RATLIFF, JR., OF BIRMINGHAM, ALABAMA, RECIPIENT OF A REGIONAL "OUTSTANDING HANDICAPPED POSTAL EMPLOYEE OF THE YEAR" AWARD.

Also:

H. J. R. 373. COMMENDING THE STATE STREET AFRICAN METHODIST EPISCOPAL ZION CHURCH OF MOBILE, ALABAMA, 1820-1983; FOR 163 YEARS, THE LORD'S HOLY TEMPLE.

Also:

H. J. R. 455. COMMENDING OUR COLLEAGUE REPRESENTATIVE NOLAN WILLIAMS OF NEWTON.

Also:

H. J. R. 456. COMMENDING JEAN ELKINS CHENAULT FOR HER OUTSTANDING WORK FOR THE STATE OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF H. B. 244

The Senate proceeded to further consideration of the Bill, H. B. 244, as amended.

Senator Bedford offered the following amendment to the Bill, H. B. 244, as amended, to-wit:

### AMENDMENT TO H. B. 244

Amend House Bill No. 244 as amended, Page 8 Line 31 by inserting Section (3)(h) after the word "taxpayer" and the following amendment attached,

To amend Section 40-18-39, Code of Alabama 1975, so as to permit the filing of consolidated corporate income tax returns to conform with the internal revenue code.

Be it enacted by the Legislature of Alabama:

Section 40-18-39, Code of Alabama 1975 is hereby amended to read as follows:

"Section 40-18-39. Corporations returns.

"Every corporation, joint stock company or association subject to income tax under this chapter shall make a return to the department of revenue for each taxable year, stating specifically the items of its gross income and the deductions and credits allowed by this chapter. In computing and reporting net income of corporations subject to income tax as outlined in Section 40-18-39, an affiliated group of corporations may have the privilege of making a consolidated income tax returns in a manner compatible with the consolidated return sections and regulations of the Internal Revenue Code of 1954, as amended. Net income of each member of an affiliated group would be determined in a manner consistent with the Code of Alabama 1975, as amended, and the regulations thereunder. The return shall be

signed by the President, Vice President, Treasurer, Chief Accounting Officer or any other officer duly authorized so to act. In cases where receivers, trustees in bankruptcy or assignees are operating the property or business of corporations. Such receivers, trustees or assignees shall make returns for such corporations in such manner and form as corporations are required to make returns. Any tax due on the basis of such returns made by receivers, trustees or assignees shall be collected in the same manner as if collected from the corporations whose business or property they have custody and control. Returns made under this section shall be subject to the provision of Section 40-18-31. Returns made on the basis of the calendar year shall be made on or before March 15 following the close of the calendar year. Returns made on the basis of a fiscal year shall be made on or before the 15th day of the 3rd month following the close of the fiscal year. The department may grant a reasonable extension of time for filling returns under such rules and regulations as it shall prescribe. Except in the case of tax payers who are abroad, no such extension shall be for more than 6 months."

On motion of Senator Foshee, said amendment was laid on the table.

And said Bill, H. B. 244, as amended, was read a third time at length and passed.

Yeas 22; nays 8.

*Yeas:*

Senators:	Bishop	Goodwin	Parsons
Aldridge	Cooley	Holmes	Proctor
Bailey	Covington	Keener	Robertson
Barron	Denton	Little	Smith (B)
Bedford	Dixon	Mitchell	Teague
Bedsole	Foshee	Mitchem	—22

*Nays:*

Senators:	Cabaniss	Harrison	Kirkland
Bachus	Corbett	Hilliard	Smith (J)
Boyington			—8

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 264. To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9.

and Conference Report being in words and figures as follows:

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference

between the two Houses concerning House Bill 264, as substituted, have met, considered the matter, and agreed to the following:

Substitute for H. B. 264, as last substituted is attached.

M. DUANE LEWIS,  
CHALRES D. LANGFORD,  
PAUL PARKER,  
Conferees of the House.  
BILL SMITH,  
LOWELL BARRON,  
J. FOY COVINGTON,  
Conferees of the Senate.

**CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 264, AS  
SUBSTITUTED**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9, and to provide that any person arrested for violating the provisions of this act shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his blood as specified in Section 32-5A-191(a)(1).

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19 and 11-45-9, Code of Alabama 1975, are hereby amended to read as follows:

"§ 32-5-192. (a) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given his consent, subject to the provisions of this division, to a chemical test or tests of his blood, breath or urine for the purpose of determining the alcoholic content of his blood if lawfully arrested for any offense arising out of acts alleged to have been committed while the person was driving a motor vehicle on the public highways of this state while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor. The law enforcement agency by which such officer is employed shall designate which of the aforesaid tests shall be administered. Such person shall be told that his failure to submit to such a chemical test will result in the suspension of his privilege to operate a motor vehicle for a period of 45 90-days; provided if such person objects to a blood test, the law enforcement agency shall designate that one of the other aforesaid tests be administered.

"(b) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (a) of this section and the test or tests may be administered, subject to the provisions of this division.

“(c) If a person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement agency as provided in subsection (a) of this section, none shall be given, but the director of public safety, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer, shall, on the first refusal, suspend his license or permit to drive, or the privilege of driving a motor vehicle on the highways of this state given to a nonresident; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit, for a period of 45 90 days, subject to review as hereinafter provided. For a second or subsequent refusal of such test within a 5-year period, the director, upon said receipt of a sworn report, shall suspend his license or permit to drive, or the privilege of driving a motor vehicle on the highways of this state given to a nonresident for a period of one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director shall deny to the person the issuance of a license or permit, for a period of one year subject to review as hereinafter provided. If such person is acquitted on the charge of driving a motor vehicle upon the highways of this state while under the influence of intoxicating liquor, then in that event the director of public safety may, in his discretion, reduce said period of suspension.

“(d) Upon suspending the license or permit to drive or the privilege of driving a motor vehicle on the highways of this state given to a nonresident or any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the director of public safety or his duly authorized agent shall immediately notify the person in writing and upon his request shall afford him an opportunity for a hearing in the same manner and under the same conditions as is provided in section 32-6-16, for notification and hearings in the cases of suspension of licenses; except, that the scope of such a hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer. Whether the person was informed that his privilege to drive would be suspended or denied if he refused to submit to the test shall not be an issue. The director of public safety shall order that the suspension or determination that there should be a denial of issuance either be rescinded or sustained.

“(e) If the suspension or determination that there should be a denial of issuance is sustained by the director of public safety or his authorized agent upon such hearing, the person whose license or permit to drive or nonresident operating privilege has been suspended or to whom a license or permit is denied, under the provisions of this section, shall have the right to file a petition in the appropriate court to review the final order of suspension or denial by the director or his duly authorized agent in the same manner and under the same conditions as is provided in section 32-6-16 in the cases of suspensions and denials.

“(f) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended the director shall give information in writing of the ac-

tion taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license.

"§ 32-5A-191. (a) a person shall not drive or be in actual physical control of any vehicle while:

"(1) There is 0.10 percent or more by weight of alcohol in his blood;

"(2) Under the influence of alcohol;

"(3) Under the influence of a controlled substance to a degree which renders him incapable of safely driving; or

"(4) Under the combined influence of alcohol and a controlled substance to a degree which renders him incapable of safely driving; or

"(5) Under the influence of any substance which impairs the mental or physical faculties of such person to a degree which renders him incapable of safely driving.

"(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

"(c) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than \$100.00 \$250.00 nor more than \$1,000.00, or by both such fine and imprisonment. In addition, on a first conviction, ~~the court trying the cause may prohibit the person so convicted from driving a motor vehicle upon the highways of this state for a period of not more than six months.~~ the director of public safety shall suspend the driving privilege or driver's license of the person so convicted for a period of ninety (90) days. First time offenders convicted of driving while under the influence of alcohol shall also be required to complete a DUI court referral program approved by the state administrative office of courts. Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances.

"(d) ~~On a second or subsequent conviction within a five-year period, the person convicted of violating this section shall be punished by a fine of not less than \$200.00 nor more than \$1,500.00 or by imprisonment in the county or municipal jail for not more than one year, or by both such fine and imprisonment. In addition, the director of public safety shall revoke the driving privilege or driver's license of the person so convicted for a period of six months.~~

"(d) On a second conviction within a five-year period, the person convicted of violating this section shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00 and by imprisonment, which may include hard labor in the county or municipal jail for not more than one year. Said sentence to include a mandatory sentence which is not subject to suspension or probation of imprisonment in the county or municipal jail for not less than forty-eight consecutive hours or community service for not less than twenty days. In addition the director of public safety shall revoke the driving privileges or driver's license of the person so convicted for a period of one year.

"(e) On a third or subsequent conviction within a five-year period, the person convicted of violating this section shall be punished by a fine of not less than \$1,000.00 nor more than \$5,000.00 and by imprisonment, which may include hard labor, in the county or municipal jail for not less than

sixty (60) days nor more than one year, to include a minimum of 60 days which shall be served in the county or municipal jail and which cannot be probated or suspended. In addition, the director of public safety shall revoke the driving privilege or driver's license of the person so convicted for a period of three years.

"(e) (f) All fines collected for violation of this section resulting from arrests by state officers shall be paid into the state general fund; all fines so collected for violations resulting from arrests by county or municipal officers shall be disbursed as is otherwise provided for by law.

"(g) A person who has been arrested for violating the provisions of this act shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his blood as specified in subsection (a)(1) hereof.

"§ 32-6-19.

"Any person whose driver's or chauffeur's license issued in this or another state or whose driving privilege as a nonresident has been cancelled, suspended or revoked as provided in this article and who drives any motor vehicle upon the highways of this state while such license or privilege is cancelled, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25.00 \$100.00 nor more than \$500.00, and in addition thereto may be imprisoned for not more than 30-180 days. Also, at the discretion of the director of public safety, such person's license may be revoked for an additional revocation period of six months.

"§ 32-5A-192.

"(a) Whoever shall unlawfully and unintentionally cause the death of another person while engaged in the violation of any state law or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic shall be guilty of homicide when such violation is the proximate cause of said death.

"(b) Any person convicted of homicide by vehicle shall be fined not less than \$500.00 nor more than \$2,000.00, or shall be imprisoned in the county jail not less than three months nor more than one year, or may be so fined and so imprisoned, or shall be imprisoned in the penitentiary for a term not less than one year nor more than five years, or may be so fined and so imprisoned.

"§ 11-45-9.

"(a) Municipal ordinances may provide penalties of fines, imprisonment, hard labor or one or more of such penalties for violation of ordinances.

"(b) No fine shall exceed \$500.00, and no sentence of imprisonment or hard labor shall exceed six months except, when in the enforcement of the penalties prescribed in section 32-5A-191, such fine shall not exceed \$5,000.00 and such sentence of imprisonment or hard labor shall not exceed one year.

"(c) The penalty imposed upon a corporation shall consist of the fine only, plus costs of court."

Section 2. The provisions of this act are supplemental to other laws not inconsistent with this act, and such other laws shall not be deemed to be repealed by this act.

Section 3. This act applies to conduct occurring after its effective date. Conduct occurring before the effective date of this act shall be governed by pre-existing law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its approval by the Governor or upon its otherwise become a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

On motion of Senator Smith (B), the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 264, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 29; Nays 0.

Yeas:

Senators:	Boyington	Goodwin	Mitchem
Aldridge	Cabaniss	Harrison	Parsons
Amari	Cooley	Holmes	Proctor
Bachus	Corbett	Keener	Robertson
Bailey	Covington	Kirkland	Smith (B)
Barron	Denton	Little	Smith (J)
Bedford	Dixon	Mitchell	Teague
Bedsale	Foshee		

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Nays:

—0

### POINT OF PERSONAL PRIVILEGE

Senator Amari requested that the Journal show that had he been present when the vote was taken on the Bishop amendment and the Bill, H. B. 244, as amended, he would have voted "Aye".

### BILLS ON THIRD READING RESUMED

The Bill:

H. 236. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 236, to-wit:



COMMITTEE SUBSTITUTE FOR H. B. 236

A BILL  
TO BE ENTITLED  
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1983-84 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC  
ACCOUNTS, DEPARTMENT OF:

(a) Legislative Support-Audit Services Program .....

3,874,369

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The appropriation to the Examiners of Public Accounts shall include a transfer to the State Personnel Department of \$8,220.

SOURCE OF FUNDS:

(1) State General Fund .....	3,874,369	
<hr/>		
Total Department of Examiners of Public Accounts	3,874,369	3,874,369
<hr/>		

2. LEGISLATIVE COUNCIL:

(a) Legislative Operations and Support Program .....	150,000
---	---------

(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature.)

SOURCE OF FUNDS:

(1) State General Fund .....	150,000	
<hr/>		
Total Legislative Council .....	150,000	150,000
<hr/>		

3. LEGISLATIVE FISCAL OFFICE:

(a) Legislative Operations and Support Program .....	449,675
---	---------

SOURCE OF FUNDS:

(1) State General Fund .....	449,675	
<hr/>		
Total Legislative Fiscal Office .	449,675	449,675
<hr/>		

4. LEGISLATIVE REFERENCE  
SERVICE:

(a) Legislative Operations and Support Program .....	800,000
---	---------

The appropriation to the Legislative Reference Service shall include a transfer to the State Personnel Department of \$502.

SOURCE OF FUNDS:

(1) State General Fund .....	800,000
------------------------------	---------

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Total Legislative Reference Service .....	800,000	800,000
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**5. LEGISLATURE:**

(a) Senate Operations and Support Program .....		1,214,495
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(b) House Operations and Support Program .....		1,821,743
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**SOURCE OF FUNDS:**

(1) State General Fund .....	3,036,238	
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Total Legislature .....	3,036,238	3,036,238
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**6. LEGISLATURES, NATIONAL  
CONFERENCE OF STATE:**

(a) Legislative Operations and Support Program .....		53,359
--	--	--------

**SOURCE OF FUNDS:**

(1) State General Fund .....	53,359	
------------------------------	--------	--

Total National Conference of State Legislatures .....	53,359	53,359
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**B. JUDICIAL:**

**1. COURT OF CIVIL APPEALS:**

(a) Court Operations Program .....		776,160
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**SOURCE OF FUNDS:**

(1) State General Fund .....	776,160	
------------------------------	---------	--

Total Court of Civil Appeals .....	776,160	776,160
------------------------------------	---------	---------

**2. COURT OF CRIMINAL  
APPEALS:**

(a) Court Operations Program .....		1,243,209
------------------------------------	--	-----------

**SOURCE OF FUNDS:**

(1) State General Fund .....	1,243,209	
------------------------------	-----------	--

Total Court of Criminal Appeals .....	1,243,209	1,243,209
---------------------------------------	-----------	-----------

**3. JUDICIAL INQUIRY**

## COMMISSION:

(a) Administrative Services Program .....	73,511
---	--------

## SOURCE OF FUNDS:

(1) State General Fund .....	73,511
------------------------------	--------

Total Judicial Inquiry Commission .....	73,511	73,511
---	--------	--------

4. JUDICIAL RETIREMENT  
SYSTEM:

(a) Retirement Systems Program .....	1,216,200
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## SOURCE OF FUNDS:

(1) State General Fund .....	1,216,200
------------------------------	-----------

Total Judicial Retirement System .....	1,216,200	1,216,200
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## 5. SUPREME COURT:

(a) Court Operations Program .....	3,062,524
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## SOURCE OF FUNDS:

(1) State General Fund .....	3,047,524
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(2) Federal, Local and Miscellaneous Funds .....	15,000
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Total Supreme Court .....	3,047,524	15,000	3,062,524
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6. UNIFIED JUDICIAL SYSTEM:  
(Administrative Office of Courts)

(a) Court Operations Program .....	43,231,519
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(b) Administrative Services Program .....	3,171,701
---	-----------

(c) Judicial Education and Training Program .....	300,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	46,703,220
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Total Unified Judicial System .....	46,703,220	46,703,220
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## C. EXECUTIVE

1. ACADEMY OF HONOR,  
ALABAMA:

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- |   |     |
|---|-----|
| (a) Historical Resources Management Program ..... | 850 |
|---|-----|

**SOURCE OF FUNDS:**

- |   |     |
|---|-----|
| (1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama ... | 850 |
|---|-----|
- 

Total Alabama Academy of Honor .....	850	850
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**2. ACCOUNTANCY, ALABAMA  
STATE BOARD OF PUBLIC:**

- |  |         |
|--|---------|
| (a) Professional and Occupational Licensing and Regulation Program ..... | 246,065 |
|--|---------|

**SOURCE OF FUNDS:**

- |  |         |
|--|---------|
| (1) Alabama State Board of Public Accountancy Fund | 246,065 |
|--|---------|
- As provided in Title 34, Chapter 1, Section 22, 1975 Code of Alabama. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.....
- 

Total Alabama State Board of Public Accountancy .....	246,065	246,065
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**3. ADJUSTMENT, BOARD OF:**

- |                                    |         |
|------------------------------------|---------|
| (a) Special Services Program ..... | 182,750 |
|------------------------------------|---------|

**SOURCE OF FUNDS:**

- |   |  |
|---|--|
| (1) State General Fund for the General Fund Contribution to the total expenditure of \$350,000 pursuant to Title 41, Chapter 9, |  |
|---|--|

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Section 73, 1975 Code of  
Alabama ..... 12,750

(2) State General Fund for  
expenditures as provided  
in Title 31, Chapter 3 and  
Title 36, Chapter 30, Arti-  
cle 1, 1975 Code of Ala-  
bama, Estimated ..... 170,000

Total Board of Adjustment ...	182,750	182,750
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4. AERONAUTICS, DEPARTMENT  
OF:

(a) Airport Development and Aer-  
onautical Support Program ... 666,613

The appropriation to the De-  
partment of Aeronautics shall  
include a transfer to the State  
Personnel Department of \$314.

SOURCE OF FUNDS:

(1) Airport Development  
Fund ..... 666,613

As provided by Title 4,  
Chapter 2, Section 42,  
1975 Code of Alabama ...

Total Department of Aeronautics .....	666,613	666,613
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5. AGING, COMMISSION ON:

(a) Planning and Advocacy for  
Elderly Program ..... 13,444,892

The appropriation to the Com-  
mission on Aging shall include  
a transfer to the State Person-  
nel Department of \$1,004.

(b) Retired Senior Volunteer Pro-  
gram ..... 303,150

The above appropriation to the  
Retired Senior Volunteer Pro-  
gram shall be distributed in the  
following manner: \$34,664 to  
the Foster Grandparent and  
Senior Companion Programs  
and \$268,486 to the Retired

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**Senior Volunteer Programs.**

**SOURCE OF FUNDS:**

(1) State General Fund- Transfer .....	1,125,582		
(2) Federal, Local and Miscel- laneous Funds .....		12,622,460	
Total Commission on Aging ...	1,125,582	12,622,460	13,748,042

**6. AGRICULTURAL CENTER  
BOARD:**

(a) Agricultural Development Ser- vices Program .....	521,344
--	---------

The appropriation to the Agri-  
cultural Center Board shall in-  
clude a transfer to the State  
Personnel Department of \$753.

**SOURCE OF FUNDS:**

(1) State General Fund .....	102,000		
For expense and awarding of prizes for fairs as pro- vided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama.			
(2) State General Fund- Transfer .....	260,944		
(3) Livestock Coliseum Fund .....		158,400	
Total Agricultural Center Board .....	362,944	158,400	521,344

**7. AGRICULTURAL AND  
INDUSTRIAL EXHIBIT  
COMMISSION, ALABAMA:**

(a) Agricultural Development Ser- vices Program .....	26,714
--	--------

**SOURCE OF FUNDS:**

(1) State General Fund .....	26,714		
Total Alabama Agricultural and Industrial Exhibit Commission .....	26,714		26,714

8. AGRICULTURE AND  
INDUSTRIES, DEPARTMENT  
OF:

(a) Administrative Services Program .....	1,082,481
(b) Agricultural Inspection Services Program .....	9,499,486
(c) Laboratory Analysis and Disease Control Program .....	2,762,514
(d) Agricultural Arena .....	25,000
(e) Agricultural Development Services Program .....	675,894

The appropriation to the Department of Agriculture and Industries shall include a transfer to the State Personnel Department of \$28,551.

SOURCE OF FUNDS:

(1) State General Fund-Transfer .....	6,044,718
(2) Federal, Local and Miscellaneous Funds .....	1,243,657
(3) Shipping Point Inspection Fund .....	4,557,000

Pursuant to Title 2, Chapter 9, Sections 20 and 21, 1975 Code of Alabama. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.



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(4) Agricultural Fund .....	2,200,000
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Total Department of Agriculture and Industries ....	6,044,718	8,000,657	14,045,375
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**9. AIR TRANSPORTATION AND  
SERVICES, DEPARTMENT OF:**

(a) Administrative Support Ser- vices Program .....	1,795,928
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**SOURCE OF FUNDS:**

(1) State General Fund- Transfer .....	1,695,928
(2) Departmental Receipts ...	100,000

Total Department of Air Transportation and Services ..	1,695,928	100,000	1,795,928
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**10. ALCOHOLIC BEVERAGE  
CONTROL BOARD, ALABAMA:**

(a) Alcoholic Beverage Manage- ment Program .....	22,413,093
(b) Licensing, Regulation and En- forcement Program .....	6,903,324
(c) Administrative Services Pro- gram .....	4,051,120

The appropriation to the Ala-  
bama Alcoholic Beverage Con-  
trol Board shall include a  
transfer to the State Personnel  
Department of \$64,694, and to  
the Department of Mental  
Health of \$1,000,000.

**SOURCE OF FUNDS:**

(1) ABC Board Fund .....	33,367,537
--------------------------	------------

In addition to the above  
appropriations herein  
made, there is hereby ap-  
propriated for each addi-  
tional retail store put into  
operation during the fiscal  
year, an amount equal to  
the sum required to install  
and operate the last com-  
parable retail store put  
into operation by said

Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to

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be sold shall, during the  
fiscal period covered by  
this appropriation by  
proper referendum, de-  
clare unlawful the sale in  
such county or municipal-  
ity of such malt or brewed  
beverages. ....

Total Alabama Alcoholic Beverage Control Board .....	33,367,537	33,367,537
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11. ARCHITECTS BOARD FOR  
REGISTRATION OF:

- (a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 140,000

The appropriation to the  
Board for Registration of Ar-  
chitects shall include a transfer  
to the State Personnel Depart-  
ment of \$126.

SOURCE OF FUNDS:

- (1) Fund of the Board for  
Registration of Architects,  
as provided in Title 34,  
Chapter 2, Section 23,  
Code of Alabama 1975 ... 140,000

Total Board for Registration of Architects .....	140,000	140,000
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12. ARCHIVES AND HISTORY:

- (a) Historical Resources Manage-  
ment Program ..... 855,938

The appropriation to Archives  
and History shall include a  
transfer to the State Personnel  
Department of \$2,886.

SOURCE OF FUNDS:

- (1) State General Fund ..... 855,938

Total Archives and History ...	855,938	855,938
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13. ATTORNEY GENERAL, OFFICE  
OF THE:

(a) Legal Advice and Legal Services Program .....	4,368,558
(b) Fair Marketing Practices Program .....	334,029

The appropriation to the Office of the Attorney General shall include a transfer to the State Personnel Department of \$9,350.

## SOURCE OF FUNDS:

(1) State General Fund Transfer .....	3,702,812		
(2) Transfer from Pensions and Security .....		511,457	
(3) Federal, Local and Miscellaneous Funds .....		488,318	
<hr/>			
Total Office of the Attorney General .....	3,702,812	999,775	4,702,587
<hr/>			

## 14. AUDITOR, STATE:

(a) Fiscal Management Program ..	696,231
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The appropriation to the State Auditor shall include a transfer to the State Personnel Department of \$1,569.

## SOURCE OF FUNDS:

(1) State General Fund .....	696,231		
<hr/>			
Total State Auditor .....	696,231		696,231
<hr/>			

15. BANKING DEPARTMENT,  
STATE:

(a) Charter, License, and Regulate Financial Institutions Program .....	2,148,790
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The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of \$3,075.

## SOURCE OF FUNDS:

(1) Banking Assessment Fees.	1,683,100
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As provided in Title 5,  
Chapter 1, Section 5, 1975  
Code of Alabama.

(2) Bureau of Credit Unions.	201,700	
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As provided in Title 5,  
Chapter 17, Article 7, and  
Chapter 2A, Article 5,  
1975 Code of Alabama.

(3) Loan Examination Fund	263,990	
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As provided in Title 5,  
Chapter 18, Sections 1-24,  
1975 Code of Alabama.

Total State Banking Department .....	2,148,790	2,148,790
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**16. BAR ASSOCIATION, ALABAMA  
STATE:**

(a) Professional and Occupational Licensing and Regulation Pro- gram .....		756,045
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**SOURCE OF FUNDS:**

(1) State Bar Association Fund, as provided in Title 34, Chapter 3 1975 Code of Alabama .....	756,045	
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Total Alabama State Bar Association .....	756,045	756,045
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**17. BEAR CREEK DEVELOPMENT  
AUTHORITY:**

(a) Water Resource Development Program .....		224,179
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**SOURCE OF FUNDS:**

(1) State General Fund .....	42,179	
(2) Federal, Local and Miscel- laneous Funds .....	182,000	

Total Bear Creek Development Authority .....	42,179	182,000	224,179
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**18. BRIERFIELD IRONWORKS  
PARK:**

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- (a) Outdoor Recreation Sites and Services Program ..... 101,529

**SOURCE OF FUNDS:**

- (1) State General Fund ..... 25,000
- (2) Federal, Local and Miscellaneous Funds ..... 76,529
- 

Total Brierfield Ironworks Park .....	25,000	76,529	101,529
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**19. BUILDING COMMISSION:**

- (a) Special Services Program ..... 791,289

The appropriation to the Building Commission shall include a transfer to the State Personnel Department of \$1,192.

**SOURCE OF FUNDS:**

- (1) State General Fund-Transfer ..... 150,000
- (2) Federal, Local and Miscellaneous Funds ..... 641,289
- 

Total Building Commission ...	150,000	641,289	791,289
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**20. CAHABA ADVISORY COMMITTEE:**

- (a) Historical Resources Management Program ..... 21,250

**SOURCE OF FUNDS:**

- (1) State General Fund ..... 21,250
- 

Total Cahaba Advisory Committee .....	21,250		21,250
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**21. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:**

- (a) Professional and Occupational Licensing and Regulation Program ..... 36,500

**SOURCE OF FUNDS:**

- (1) Alabama State Board of Chiropractic Examiner's

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Fund as provided in Title  
34, Chapter 24, Article 4,  
Divisions 1, 2 and 3, 1975  
Code of Alabama .....

36,500

Total Alabama State Board of  
Chiropractic Examiners .....

36,500

36,500

22. CIVIL DEFENSE, DEPARTMENT  
OF:

(a) Readiness and Recovery Pro-  
gram .....

2,730,772

The appropriation to the De-  
partment of Civil Defense shall  
include a transfer to the State  
Personnel Department of  
\$2,008.

SOURCE OF FUNDS:

(1) State General Fund-  
Transfer .....

710,021

(2) Federal, Local and Miscel-  
laneous Funds .....

2,020,751

Total Department of Civil  
Defense .....

710,021

2,020,751

2,730,772

23. CONSERVATION AND  
NATURAL RESOURCES,  
DEPARTMENT OF:

(a) State Land Management Pro-  
gram .....

684,813

(b) Outdoor Recreation Sites and  
Services Program .....

10,455,594

Of the appropriation herein-  
above made for the Outdoor  
Recreation Sites and Services  
Program, \$250,000 shall be ex-  
pended for capital outlay pur-  
poses at Wind Creek State  
Park.

(c) Marine Police Management  
Program .....

2,034,321

(d) Wildlife and Game Program ..

11,733,496

(e) Marine Resources Management Program .....	1,358,410
(f) Land and Water Conservation Program .....	1,357,387
(g) Administrative Services Program .....	2,090,000
(h) Land Survey Program .....	264,564
(i) Landmarks Foundation of Dothan .....	50,000

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses. The appropriation to the Department of Conservation and Natural Resources shall include such funds as are necessary for the maintenance, staff and repair of the Governor's official beach mansion. The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$40,975.

#### SOURCE OF FUNDS:

(1) Alabama Recreation Capital Development Fund .....	300,000
(2) Game and Fish Fund .....	11,733,496
(3) State Lands Fund .....	684,813

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(4) Marine Resources Fund .....	1,358,410
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In addition to the monies hereinabove appropriated



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from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(5) Marine Police Fund .....	2,034,321
(6) State Parks Fund .....	9,705,594
(7) Administrative Funds .....	2,090,000

The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, 1975 Code of Alabama.

(8) Cigarette Tax .....	500,000
(9) Land Survey Fund .....	264,564
(10) Federal Land and Water Fund .....	1,357,387

Total Department of Conservation and Natural Resources .....	30,028,585	30,028,585
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24. CONTRACTORS, STATE  
LICENSING BOARD FOR  
GENERAL:

(a) Professional and Occupational Licensing and Regulation Program .....	265,845
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The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of \$377.

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## SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund.	265,845	
Pursuant to Title 34, Chapter 8, 1975 Code of Alabama. In addition to the amounts appropriated herein above to the State Licensing Board for Gen- eral Contractors there is hereby appropriated such an amount as may be nec- essary to pay the refund of any application for license which may have been re- jected by the Board or ap- plication withdrawn by re- quest of applicant. ....		
Total State Licensing Board for General Contractors .....	265,845	265,845

25. CORRECTIONS, DEPARTMENT  
OF:

(a) Administrative Services and Logistical Support Program ...	6,633,600
(b) Institutional Services Correc- tions Program .....	62,606,370
(c) Correctional Industries Pro- gram .....	6,972,198

The appropriation to the De-  
partment of Corrections shall  
include a transfer to the State  
Personnel Department of  
\$99,268.

## SOURCE OF FUNDS:

(1) State General Fund- Transfer .....	69,100,000	
(2) Department of Corrections Fund .....		7,112,168

The Commissioner of Cor-  
rections is authorized to  
utilize funds herein appro-  
priated as matching con-  
tributions, where required  
and appropriate, to gener-

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ate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated. ....

Total Department of Corrections .....	69,100,000	7,112,168	76,212,168
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**26. COSMETOLOGY, ALABAMA  
BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program .....			408,000
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The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of \$565.

**SOURCE OF FUNDS:**

(1) Alabama Board of Cosmetology Fund .....		408,000	
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As provided in Title 34, Chapter 7, 1975 Code of Alabama. ....

Total Alabama Board of Cosmetology .....	408,000		408,000
<hr/>			

**27. COUNSELING, ALABAMA  
BOARD OF EXAMINERS IN:**

(a) Professional and Occupational Licensing and Regulation Program .....			39,400
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**SOURCE OF FUNDS:**

(1) Alabama Board of Examiners in Counseling Fund .....		39,400	
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As provided in Title 34, Chapter 8A, 1975 Code of Alabama. ....

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Total Alabama Board of Examiners in Counseling .....		39,400	39,400
<hr/>			
28. CRIMINAL JUSTICE INFORMATION SYSTEM, ALABAMA:			
(a) Criminal Justice Information Services Program .....			2,447,738
The appropriation to the Ala- bama Criminal Justice Infor- mation System shall include a transfer to the State Personnel Department of \$3,137.			
SOURCE OF FUNDS:			
(1) State General Fund- Transfer .....		1,942,838	
(2) Federal, Local and Miscel- laneous Funds .....			504,900
		<hr/>	
Total Alabama Criminal Justice Information System ...		1,942,838	504,900 2,447,738
<hr/>			
29. DEVELOPMENT OFFICE, ALABAMA:			
(a) Industrial Development Pro- gram .....			2,344,125
Of the above appropriation, not less than \$120,000 shall be expended for the preparation and implementation of a pro- motional campaign developed by the Bureau of Publicity and Information that will promote and improve the State's image regarding the expansion of ex- isting businesses and the at- traction of out-of-state indus- tries. Of the above ap- propriation, not less than \$48,000 shall be expended for assistance and encouragement in the creation and develop- ment of small businesses, par- ticularly those in high technol- ogy and growth industries.			
(b) Administrative Services Pro- gram - Office of Minority Busi- ness .....			145,135
(c) Alabama Film Commission - Promotional Development Pro- gram .....			186,428

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- (d) Data Processing and Word  
Processing Equipment for the  
Industrial Development Pro-  
gram ..... 32,000

The appropriation to the Ala-  
bama Development Office shall  
include a transfer to the State  
Personnel Department of  
\$2,133.

**SOURCE OF FUNDS:**

(1) State General Fund- Transfer Alabama Devel- opment Office .....	2,326,125		
(2) State General Fund- Transfer Office of Minor- ity Business .....	84,740		
(3) State General Fund- Transfer Alabama Film Commission .....	186,428		
(4) Federal, Local and Miscel- laneous Funds .....		110,395	
<hr/>			
Total Alabama Development Office .....	2,597,293	110,395	2,707,688
<hr/>			

**30. DISTRICT ATTORNEYS:**

- (a) Court Operations Program .... 7,979,377

The proposed spending plan  
included in the above total is  
as follows:

Salaries of District  
Attorneys ..... 2,039,308

Salary of elected  
Deputy District At-  
torney of the Bes-  
semer Division of  
the 10th Judicial  
Circuit ..... 51,040

For use of the  
Elected Assistant  
District Attorney of  
the Bessemer Divi-  
sion of the 10th Ju-  
dicial Circuit ..... 87,386

Salaries and ex-  
penses of Supernu-

merary District Attorneys .....	844,943
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For use in the District Attorney's Office of the 1st Judicial Circuit .....	75,469
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For use in the District Attorney's Office of the 2nd Judicial Circuit .....	64,546
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For use in the District Attorney's Office of the 3rd Judicial Circuit .....	101,288
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For use in the District Attorney's Office of the 4th Judicial Circuit .....	291,151
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For use in the District Attorney's Office of the 5th Judicial Circuit .....	236,835
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For use in the District Attorney's Office of the 6th Judicial Circuit .....	206,548
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For use in the District Attorney's Office of the 7th Judicial Circuit .....	123,134
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For use in the District Attorney's Office of the 8th Judicial Circuit .....	98,805
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For use in the District Attorney's Office of the 9th Judicial Circuit .....	93,344
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For use in the District Attorney's Office of the 10th Judicial Circuit .....	317,766
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For use in the District Attorney's Of-	
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Office of the 11th Judicial Circuit . . . . . 81,427

For use in the District Attorney's Office of the 12th Judicial Circuit . . . . . 173,282

For use in the District Attorney's Office of the 13th Judicial Circuit . . . . . 304,856

For use in the District Attorney's Office of the 14th Judicial Circuit . . . . . 85,896

For use in the District Attorney's Office of the 15th Judicial Circuit . . . . . 302,374

For use in the District Attorney's Office of the 16th Judicial Circuit . . . . . 137,533

For use in the District Attorney's Office of the 17th Judicial Circuit . . . . . 52,133

For use in the District Attorney's Office of the 18th Judicial Circuit . . . . . 152,428

For use in the District Attorney's Office of the 19th Judicial Circuit . . . . . 90,365

For use in the District Attorney's Office of the 20th Judicial Circuit . . . . . 132,568

For use in the District Attorney's Office of the 21st Judicial Circuit . . . . . 100,791

For use in the District Attorney's Of-

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Office of the 22nd Judicial Circuit . . . . . 85,896

For use in the District Attorney's Office of the 23rd Judicial Circuit . . . . . 221,939

For use in the District Attorney's Office of the 24th Judicial Circuit . . . . . 80,434

For use in the District Attorney's Office of the 25th Judicial Circuit . . . . . 76,462

For use in the District Attorney's Office of the 26th Judicial Circuit . . . . . 134,554

For use in the District Attorney's Office of the 27th Judicial Circuit . . . . . 102,281

For use in the District Attorney's Office of the 28th Judicial Circuit . . . . . 98,309

For use in the District Attorney's Office of the 29th Judicial Circuit . . . . . 129,092

For use in the District Attorney's Office of the 30th Judicial Circuit . . . . . 130,085

For use in the District Attorney's Office of the 31st Judicial Circuit . . . . . 78,945

For use in the District Attorney's Office of the 32nd Judicial Circuit . . . . . 77,952

For use in the District Attorney's Of-



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Office of the 33rd Judicial Circuit ..... 72,987

For use in the District Attorney's Office of the 34th Judicial Circuit ..... 39,224

For use in the District Attorney's Office of the 35th Judicial Circuit ..... 53,126

For use in the District Attorney's Office of the 36th Judicial Circuit ..... 64,546

For use in the District Attorney's Office of the 37th Judicial Circuit ..... 86,393

For use in the District Attorney's Office of the 38th Judicial Circuit ..... 98,309

For use in the District Attorney's Office of the 39th Judicial Circuit ..... 35,253

Appropriations of Salaries of Personnel Established by Statute are estimated. Travel Expense of District Attorneys ..... 68,374

7,979,377

**SOURCE OF FUNDS:**

(1) State General Fund ..... 7,979,377

<b>Total District Attorneys .....</b>	<b>7,979,377</b>	<b>7,979,377</b>
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**31. ECONOMIC AND COMMUNITY  
AFFAIRS, DEPARTMENT OF:**

(a) State Planning Program .....	49,998,170
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(b) Special Services Program .....	23,056,200
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(c) Skills Enhancement and Em-	
--------------------------------	--

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ployment Opportunities Program .....	64,144,423
(d) Energy Management Program .....	4,400,732
(e) Traffic Control and Accident Prevention Program .....	2,611,228
(f) Law Enforcement Planning and Development Program ...	1,900,680

The appropriation to the Department of Economic and Community Affairs shall include a transfer to the State Personnel Department of \$12,612.

SOURCE OF FUNDS:

(1) State General Fund-Transfer-State Planning and Federal Programs ...	2,898,136		
(2) State General Fund-Transfer-Energy Division ..	529,732		
(3) State General Fund-Transfer-Highway and Traffic Safety .....	168,378		
(4) State General Fund-Transfer-Law Enforcement Planning Division ..	279,338		
(5) Federal, Local and Miscellaneous Funds .....		142,235,849	
<hr/>			
Total Department of Economic and Community Affairs .....	3,875,584	142,235,849	146,111,433
<hr/>			

In addition to the above appropriation, there is hereby appropriated \$500,000 to the State Planning Program of the Department of Economic and Community Affairs to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

32. ENGINEERS AND LAND  
SURVEYORS, STATE BOARD OF

REGISTRATION FOR  
PROFESSIONAL:

- (a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 296,579

The appropriation to the State  
Board of Registration for Pro-  
fessional Engineers and Land  
Surveyors shall include a trans-  
fer to the State Personnel De-  
partment of \$251.

SOURCE OF FUNDS:

- (1) Professional Engineers'  
Fund ..... 296,579

As provided in Title 34,  
Chapter 11, Section 36,  
1975 Code of Alabama as  
amended.

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Total State Board of Registra- tion for Professional Engineers and Land Surveyors .....	296,579	296,579
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33. ENVIRONMENTAL  
MANAGEMENT, DEPARTMENT  
OF:

- (a) Environmental Management  
Program ..... 7,604,113

The appropriation to the De-  
partment of Environmental  
Management shall include a  
transfer to the State Personnel  
Department of \$11,609.

SOURCE OF FUNDS:

- (1) State General Fund-  
Transfer ..... 2,049,318
- (2) Environmental Manage-  
ment Fund ..... 5,554,795

As provided in Title 22,  
Chapter 22A, Section 11,  
1975 Code of Alabama as  
amended.

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Total Department of Environ- mental Management .....	2,049,318	5,554,795	7,604,113
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34. ETHICS COMMISSION,  
ALABAMA:

- |   |         |
|---|---------|
| (a) Regulation of Public Officials<br>and Employees Program ..... | 196,940 |
|---|---------|

The appropriation to the Ethics Commission shall include a transfer to the State Personnel Department of \$502.

## SOURCE OF FUNDS:

- |                              |         |  |
|------------------------------|---------|--|
| (1) State General Fund ..... | 196,940 |  |
|------------------------------|---------|--|

Total Alabama Ethics Commission .....	196,940	196,940
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35. FARMERS' MARKET  
AUTHORITY:

- |   |         |
|---|---------|
| (a) Agricultural Development Services Program ..... | 188,106 |
|---|---------|

The appropriation to the Farmers' Market Authority shall include a transfer to the State Personnel Department of \$188.

## SOURCE OF FUNDS:

- |  |        |         |
|--|--------|---------|
| (1) State General Fund-<br>Transfer For Administration .....                   | 73,106 |         |
| (2) Farmers' Market Authority Fund-Revenue and<br>Capital Outlay Account ..... |        | 115,000 |

Total Farmers' Market Authority .....	73,106	115,000	188,106
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## 36. FINANCE, DEPARTMENT OF:

- |   |           |
|---|-----------|
| (a) Fiscal Management Program ..                  | 2,513,273 |
| (b) Administrative Support Services Program ..... | 3,509,445 |

The appropriation to the Finance Department shall include a transfer to the State Personnel Department of \$32,943.

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**SOURCE OF FUNDS:**

(1) State General Fund .....	6,008,335		
(2) Miscellaneous Funds .....		14,383	
<hr/>			
Total Department of Finance ..	6,008,335	14,383	6,022,718
<hr/>			

**37. FORENSIC SCIENCES,  
DEPARTMENT OF:**

- (a) Forensic Science Services Program ..... 3,628,780

The appropriation to the Alabama Department of Forensic Sciences shall include a transfer to the State Personnel Department of \$4,769.

**SOURCE OF FUNDS:**

(1) State General Fund .....	3,537,710		
(2) Federal, Local and Miscellaneous Funds .....		91,070	
<hr/>			
Total Department of Forensic Sciences .....	3,537,710	91,070	3,628,780
<hr/>			

**38. FOREIGN TRADE RELATIONS  
COMMISSION:**

- (a) Special Services Program ..... 50,000

**SOURCE OF FUNDS:**

(1) State General Fund .....	50,000		
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Total Foreign Trade Relations Commission .....	50,000		50,000
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**39. FORESTERS, ALABAMA STATE  
BOARD OF REGISTRATION  
FOR:**

- (a) Professional and Occupational Licensing and Regulation Program ..... 17,900

**SOURCE OF FUNDS:**

(1) Professional Foresters' Fund .....	17,900		
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As provided in Title 34,  
Chapter 12, 1975 Code of

## Alabama.

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Total Alabama State Board of Registration for Foresters .....	17,900	17,900
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40. FORESTRY COMMISSION,  
ALABAMA:

(a) Regional Operations Program ..	7,919,682
(b) Forest Resource Planning and Development Program .....	2,701,191
(c) Executive Administration Pro- gram .....	387,111
(d) Administrative Services Pro- gram .....	1,562,313

The appropriation to the Ala-  
bama Forestry Commission  
shall include a transfer to the  
State Personnel Department of  
\$26,794.

## SOURCE OF FUNDS:

(1) State General Fund- Transfer .....	7,855,297
(2) Federal and Local Funds ..	2,065,000
(3) Forestry Commission Fund .....	2,650,000

It is provided that in the  
event receipts into the  
Forestry Commission  
Fund relating to federal  
grants, county appropria-  
tions, acre assessments  
seedling sales, timber  
sales, contributions, inter-  
department transfers, and  
reimbursements exceed  
amounts originally appro-  
priated for these sources  
of funds, such excess re-  
ceipts are hereby appro-  
priated. Any such fund  
balances or encumbrance  
decreases relating to these  
receipts are hereby reap-  
propriated. Of the above  
appropriations \$550,000

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shall be used for rural and  
community fire protection.  
Of the above appropri-  
ations, not less than  
\$60,000 shall be expended  
for aircraft replacement.

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Total Alabama Forestry Com- mission .....	7,855,297	4,715,000	12,570,297
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**41. FUNERAL SERVICES,  
ALABAMA BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Pro- gram .....			98,000
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**SOURCE OF FUNDS:**

(1) Alabama Funeral Direc- tors and Embalmers Fund		98,000	
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As provided in Title 34,  
Chapter 13, 1975 Code of  
Alabama .....

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Total Alabama Board of Fu- neral Service .....		98,000	98,000
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**42. GEOLOGICAL SURVEY:**

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program .....			2,052,470
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The appropriation to the Geo-  
logical Survey shall include a  
transfer to the State Personnel  
Department of \$3,828.

**SOURCE OF FUNDS:**

(1) State General Fund .....	1,222,165		
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(2) Federal, Local and Miscel- laneous Funds .....		830,305	
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Total Geological Survey .....	1,222,165	830,305	2,052,470
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**43. GORGAS MEMORIAL BOARD:**

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(a) Historical Resources Management Program .....	9,545
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SOURCE OF FUNDS:

(1) State General Fund .....	8,245		
As provided in Title 41, Chapter 3, Section 220, 1975 Code of Alabama and an additional amount.			
(2) Federal, Local and Miscellaneous Funds .....		1,300	
Total Gorgas Memorial Board .....	8,245	1,300	9,545

44. GOVERNOR'S OFFICE:

(a) Executive Direction Program .....	1,215,176
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The appropriation to the Governor's Office shall include a transfer to the State Personnel Department of \$3,263.

SOURCE OF FUNDS:

(1) State General Fund .....	1,215,176	
Total Governor's Office .....	1,215,176	1,215,176

45. GOVERNOR'S OFFICE-LEGAL:

(a) Executive Direction Program .....	102,000
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SOURCE OF FUNDS:

(1) State General Fund .....	102,000	
Total Governor's Office-Legal .....	102,000	102,000

46. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program .....	299,368
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SOURCE OF FUNDS:

(1) State General Fund .....	299,368	
Total Governor's Contingency Fund .....	299,368	299,368

47. GOVERNOR'S MANSION:

(a) Executive Direction Program .....	176,846
---------------------------------------	---------



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**SOURCE OF FUNDS:**

(1) State General Fund .....	176,846	
<hr/>		
Total Governor's Mansion .....	176,846	176,846
<hr/>		

**48. GOVERNOR'S MANSION  
ADVISORY BOARD:**

(a) Historical Resources Management Program .....	8,500
--	-------

**SOURCE OF FUNDS:**

(1) State General Fund- Transfer .....	8,500	
<hr/>		
Total Governor's Mansion Ad- visory Board .....	8,500	8,500
<hr/>		

**49. GOVERNOR'S VOLUNTARY  
CITIZEN PARTICIPATION:**

(a) Executive Direction Program .....	59,000
---------------------------------------	--------

**SOURCE OF FUNDS:**

(1) Federal Funds .....	59,000	
<hr/>		
Total Governor's Voluntary Citizen Participation .....	59,000	59,000
<hr/>		

**50. HEALTH, DEPARTMENT OF  
PUBLIC:**

(a) Administrative Services Pro- gram .....	5,291,820
(b) Health Support Services Pro- gram .....	49,164,871

Of this amount \$6,577,885 shall go to support local health department services of which \$3,685,000 shall be used to provide a minimum staff in each of the sixty-seven counties, and the remaining amount shall be distributed on a one-to-one match with locally appropriated funds for the support of local health services on a per capita basis. At the end of the first quarter, any unmatched funds may be distributed to

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other counties with appropriate matching funds.

- |  |            |
|--|------------|
| (c) Clinical Health Services Program ..... | 36,995,590 |
|--|------------|

The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$113,764.

SOURCE OF FUNDS:

(1) State General Fund .....	15,623,417	
(2) Cigarette Tax-.01 .....	1,232,180	
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.		
(3) Cigarette Tax-.02 .....	2,064,334	
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.		
(4) Vital Statistics Fund .....	1,553,786	
(5) Hospital Licensing Fund .....	205,000	
(6) Emergency Medical Services Fund .....	165,738	
As provided in Title 22, Chapter 18, Sections 1 through 7, 1975 Code of Alabama.		
(7) Local Health Departments .....	31,770,925	
(8) Nuclear Monitoring Fund .....	90,000	
(9) Miscellaneous Funds .....	2,849,611	
(10) Federal Funds .....	35,897,290	
<hr/>		
Total Department of Public Health .....	15,623,417	75,828,864    91,452,281

51. HEALTH PLANNING AND  
DEVELOPMENT AGENCY,  
STATE:

- |   |           |
|---|-----------|
| (a) Health Planning, Development and Regulation Program ..... | 1,580,548 |
|---|-----------|
- The appropriation to State

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Health Planning and Development Agency shall include a transfer to the State Personnel Department of \$1,380.

**SOURCE OF FUNDS:**

(1) State General Fund- Transfer .....	235,629		
(2) Federal, Local and Miscellaneous Funds .....		1,344,919	
Total State Health Planning and Development Agency .....	235,629	1,344,919	1,580,548

**52. HEARING AID DEALERS,  
ALABAMA BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program .....	9,500
---	-------

**SOURCE OF FUNDS:**

(1) State Board of Health - Hearing Aid Fund .....	9,500	
As provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama.		
Total Alabama Board of Hearing Aid Dealers .....	9,500	9,500

**53. HEATING AND AIR  
CONDITIONING  
CONTRACTORS, BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program .....	97,552
---	--------

**SOURCE OF FUNDS:**

(1) Heating and Air Conditioning Contractors Fund .....	97,552	
Total Board of Heating and Air Conditioning Contractors .....	97,552	97,552

**54. ALABAMA HERITAGE TRUST  
FUND:**

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(a) Alabama Heritage Trust Fund Expense Program .....	19,855
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**SOURCE OF FUNDS:**

(1) Heritage Trust Income .....	19,855
---------------------------------	--------

Total Alabama Heritage Trust Fund .....	19,855	19,855
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**55. HIGHWAY DEPARTMENT:**

(a) Central Administration Pro- gram .....	8,028,851
(b) Division and District Supervi- sion Program .....	15,150,539
(c) Operations & Support Services Program .....	6,351,192
(d) Maintenance Program .....	77,352,133
(e) Non-Programmatic Expendi- tures .....	41,220,821

Proposed Spending Plan for  
the above (e) includes the fol-  
lowing:

Debt Service..... 40,855,309

Equipment - Other  
than Automotive .. 365,512

(f) Construction-Federal Aid Pro- gram .....	352,789,516
---	-------------

Proposed Spending Plan for  
the above (f) includes the fol-  
lowing:

Federal Aid Match-  
ing .....

56,036,516

Non-Participating  
Work on Federal  
Projects .....

1,000,000

Federal Aid .....

295,753,000

(g) Construction-State Program ..	5,000,000
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(h) Operations-Land and Buildings	620,000
-----------------------------------	---------

The appropriation to the High-  
way Department shall include  
a transfer to the State Person-  
nel Department of \$230,789.

SOURCE OF FUNDS:

(1) State General Fund- Transfer .....	75,000
(2) Public Road and Bridge Fund .....	210,685,052
(3) Federal Aid .....	295,753,000

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Highway Finance Corporation, a total of \$40,855,309 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h), of this section whenever such transfer shall be necessary to assure maximum utilization of Federal matching Funds which shall become available.

In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of

such insufficiency in respect of the said revenues accruing to the State Highway Department.

- (1) the appropriations made for Debt Service in section (e) hereof shall be paid in full-
- (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto be expended only for the purpose for which such funds are made available.

Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to

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the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department . . .	75,000	506,438,052	506,513,052
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**56. HISTORIC CHATTAHOOCHEE  
COMMISSION:**

(a) Historical Resources Management Program . . . . .			132,729
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**SOURCE OF FUNDS:**

(1) State General Fund . . . . .	79,929		
(2) Federal, Local and Miscellaneous Funds . . . . .		52,800	

Total Historic Chattahoochee Commission . . . . .	79,929	52,800	132,729
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**57. HISTORIC BLAKELY  
AUTHORITY:**

(a) Tourism and Travel Promotion Program . . . . .			50,000
--	--	--	--------

**SOURCE OF FUNDS:**

(1) State General Fund . . . . .	50,000		
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Total Historic Blakely Authority . . . . .	50,000		50,000
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**58. HISTORICAL COMMISSION,  
ALABAMA:**

(a) Historical Resources Management Program . . . . .			2,254,177
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(b) Historical Commission-Cahaba . . . . .			200,000
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The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of \$2,447.

## SOURCE OF FUNDS:

(1) State General Fund- Transfer .....	612,908		
The State General Fund appropriation shall be distributed as follows:			
Historical Commission, Alabama .....	434,586		
Historical Commission, Alabama-La Grange .....	8,140		
Historical Commission, Alabama-Richmond P. Hobson Memorial Board .....	5,994		
Historical Commission, Alabama-Fort Morgan .....	105,938		
Historical Commission, Alabama-Fort Toulouse .....	21,250		
Historical Commission, Alabama-John T. Morgan House, Selma .....	12,000		
Historical Commission, Alabama-Sloss Lake .....	25,000		
(2) Federal, Local and Miscellaneous Funds .....		1,841,269	
Total Alabama Historical Commission .....	612,908	1,841,269	2,454,177

59. INDUSTRIAL RELATIONS,  
DEPARTMENT OF:

(a) Skills Enhancement and Employment Opportunities Program .....	16,877,311
(b) Unemployment Compensation Program .....	15,588,016
(c) Administrative Services Program .....	8,130,022



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- |   |           |
|---|-----------|
| (d) Industrial Safety and Accident Prevention Program ..... | 4,822,611 |
| (e) Employment and Social Opportunities Program .....       | 362,959   |

The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$113,826.

**SOURCE OF FUNDS:**

- |  |            |
|--|------------|
| (1) State General Fund .....                     | 739,372    |
| (2) Federal, Local and Miscellaneous Funds ..... | 45,041,547 |
- 

Total Department of Industrial Relations .....	739,372	45,041,547	45,780,919
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**60. INSURANCE BOARD, STATE EMPLOYEES':**

- |   |        |
|---|--------|
| (a) Administrative Support Services Program ..... | 71,941 |
|---|--------|

The appropriation to the State Employees' Insurance Board shall include a transfer to the State Personnel Department of \$126.

**SOURCE OF FUNDS:**

- |                              |        |
|------------------------------|--------|
| (1) State General Fund ..... | 71,941 |
|------------------------------|--------|
- 

Total State Employees' Insurance Board .....	71,941	71,941
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**61. INSURANCE, DEPARTMENT OF:**

- |                                       |           |
|---------------------------------------|-----------|
| (a) Regulatory Services Program ..... | 1,345,841 |
|---------------------------------------|-----------|

The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$3,765.

**SOURCE OF FUNDS:**

- |                               |           |
|-------------------------------|-----------|
| (1) State General Fund .....  | 1,061,697 |
| (2) Fire Marshals' Fund ..... | 284,144   |

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As provided in Title 24,  
Chapter 5, Article 1, 1975  
Code of Alabama.

Any balance in excess of  
\$50,000 at the end of the  
fiscal year shall be trans-  
ferred to the State Gen-  
eral Fund.

	1,061,697	284,144	1,345,841
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**62. INTERIOR DESIGNERS,  
ALABAMA STATE BOARD OF  
REGISTRATION FOR:**

(a) Professional and Occupational Licensing and Regulation Pro- gram .....			4,200
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**SOURCE OF FUNDS:**

(1) Interior Designers Fund ..		4,200	
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Total Alabama State Board of Registration for Interior De- signers .....		4,200	4,200
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**63. LABOR, DEPARTMENT OF:**

(a) Regulatory Services Program ..			292,452
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The appropriation to the Labor  
Department shall include a  
transfer to the State Personnel  
Department of \$502.

**SOURCE OF FUNDS:**

(1) State General Fund .....	249,452		
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(2) Federal, Local and Miscel- laneous Funds .....		43,000	
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Total Department of Labor ...	249,452	43,000	292,452
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**64. LANDSCAPE ARCHITECTS,  
BOARD OF EXAMINERS OF:**

(a) Professional and Occupational Licensing and Regulation Pro- gram .....			10,975
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**SOURCE OF FUNDS:**

(1) Landscape Architects Fund .....	10,975
--	--------

As provided in Title 34,  
Chapter 17, 1975 Code of  
Alabama.

Total Board of Examiners of Landscape Architects .....	10,975	10,975
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**65. LIQUEFIED PETROLEUM GAS  
BOARD:**

(a) Regulatory Services Program .	212,000
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The appropriation to the Liquefied Petroleum Gas Board shall include a transfer to the State Personnel Department of \$502.

**SOURCE OF FUNDS:**

(1) Liquefied Petroleum Gas Board Fund .....	212,000
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Total Liquefied Petroleum Gas Board .....	212,000	212,000
--	---------	---------

**66. MEDICAID AGENCY, ALABAMA:**

(a) Medical Assistance through Medicaid Program .....	401,648,544
--	-------------

The appropriation to the Alabama Medicaid Agency shall include a transfer to the State Personnel Department of \$13,114.

**SOURCE OF FUNDS:**

(1) State General Fund- Transfer .....	96,545,278
(2) Transfer from Pensions and Security .....	435,000
(3) Transfer from Mental Health .....	13,609,728
(4) Federal, Local and Miscellaneous Funds .....	291,058,538

Total Alabama Medicaid

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Agency .....	96,545,278 305,103,266 401,648,544
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**67. MENTAL HEALTH,  
DEPARTMENT OF:**

(a) Institutional Treatment and Care-Mental Illness Program ..	68,219,891
(b) Institutional Treatment and Care-Mental Retardation Pro- gram .....	55,034,437
(c) Institutional Treatment and Care-Criminally Insane Pro- gram .....	2,788,372
(d) Non-Institutional Treatment and Care-Program .....	12,312,541
(e) Administrative Services Pro- gram .....	3,774,313
(f) Community Mental Health Program .....	18,500,000

It is the intent of the Legisla-  
ture that this appropriation be  
used to fund Community  
Mental Health Programs and  
that none of said appropriation  
be shifted to any other pro-  
gram.

The appropriation herein pro-  
vided shall be for the provision  
of community mental illness  
and substance abuse programs  
and services operated by  
Mental Health/Mental Retar-  
dation Boards created pursu-  
ant to Act 310 and certified by  
the Department of Mental  
Health. In the event that no  
such program is certified by the  
Department of Mental Health  
in a particular catchment area,  
funds under this appropriation  
may be expended through  
other certified community pro-  
grams in said catchment area.

Of the appropriation herein-  
above made to the Department  
of Mental Health, there shall

be at least \$6,260,000 expended for the treatment of rehabilitation for and education on alcohol and drug abuse.

The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of \$376,617.

**SOURCE OF FUNDS:**

(1) Special Mental Health Trust Fund .....	93,585,167	
For Operations and Maintenance of the State Mental Health Department including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals.		
(2) Special Mental Health Trust Fund-Community Programs .....	15,336,855	
(3) Transfer from ABC Profits .....	1,000,000	
(4) Cigarette Tax - \$.01 .....	930,000	
(5) Cigarette Tax - \$.02 .....	4,825,000	
(6) Transfer from Pensions and Security-Title XX Funds .....	2,000,000	
(7) Federal, Local and Miscellaneous Funds .....	42,952,532	
<b>Total Department of Mental Health .....</b>	<b>160,629,554</b>	<b>160,629,554</b>

**68. MILITARY DEPARTMENT:**

(a) Military Operations Program ..	4,539,172
(b) Capital Outlay .....	374,500

The appropriation to the Military Department shall include a transfer to the State Person-

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nel Department of \$9,036.

SOURCE OF FUNDS:

(1) State General Fund-Operations .....	1,308,849	
(2) State General Fund-Quarterly Allowances Headquarters-Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters .....	1,139,255	
(3) State General Fund-Transfer-Capital Outlay for Architect and Engineering Services and specifications and construction of facilities .....	374,500	
(4) State General Fund-Active Military Service .....	161,000	
(5) State General Fund-Transfer to Armory Commission .....	1,925,068	
(6) State General Fund-Dropping Allowance .....	5,000	
Total Military Department ...	4,913,672	4,913,672

69. ARMORY COMMISSION OF ALABAMA:

(a) Military Operations Program . . . . . 3,088,943

SOURCE OF FUNDS:

(1) Transfer from Military Department .....	1,925,068
(2) Federal, Local and Miscellaneous Funds .....	1,163,875

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropri-

ation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities.

Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama .....	3,088,943	3,088,943
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70. NURSING HOME  
ADMINISTRATORS, BOARD OF  
EXAMINERS OF:

- (a) Professional and Occupational  
Licensing and Regulation Program ..... 40,000

The appropriation to the Board of Examiners of Nursing Home Administrators shall include a transfer to the State Personnel Department of \$63.

SOURCE OF FUNDS:

- (1) Board of Examiners of  
Nursing Home Administrators Fund ..... 40,000

As provided in Title 34,  
Chapter 20, 1975 Code of  
Alabama.

Total Board of Examiners of Nursing Home Administrators .....	40,000	40,000
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71. OIL AND GAS BOARD:

- (a) Management and Regulation of

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Oil and Gas Exploration and Development Program .....	1,284,643
---	-----------

The appropriation to the Oil and Gas Board shall include a transfer to the State Personnel Department of \$3,012.

SOURCE OF FUNDS:

(1) State General Fund .....	1,276,497		
(2) Federal, Local and Miscellaneous Fund .....		8,146	
Total Oil and Gas Board .....	1,276,497	8,146	1,284,643

72. PARDONS AND PAROLES,  
BOARD OF:

(a) Administration of Pardons and Paroles Program .....	6,831,119
---	-----------

The appropriation to the Board of Pardons and Paroles shall include a transfer to the State Personnel Department of \$15,248.

SOURCE OF FUNDS:

(1) State General Fund .....	5,388,321		
(2) Probationers Upkeep Fund .....		1,350,060	
(3) Federal, Local and Miscellaneous Funds .....		92,738	
Total Board of Pardons and Paroles .....	5,388,321	1,442,798	6,831,119

73. PEACE OFFICERS' ANNUITY  
AND BENEFIT FUND,  
ALABAMA:

(a) Retirement Systems Program .	203,664
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The appropriation to the Alabama Peace Officers' Annuity and Benefit Fund shall include a transfer to the State Personnel Department of \$251.

SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as pro-



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vided in Title 36, Chapter  
21, Article 4, 1975 Code of  
Alabama .....

203,664

**Total Alabama Peace Officers'  
Annuity and Benefit Fund ....**

203,664

203,664

**74. PENSIONS AND SECURITY,  
DEPARTMENT OF:**

(a) Economic Assistance Program	165,558,816
(b) Social Services Program .....	68,834,437
(c) Community Work Experience Program .....	300,000

The appropriation to the De-  
partment of Pensions and Se-  
curity shall include a transfer  
to the State Personnel Depart-  
ment of \$253,065.

**SOURCE OF FUNDS:**

(1) Federal, Local and Miscel- laneous Funds .....	150,756,189
(2) Title XX Funds-Transfer to Mental Health .....	2,000,000
(3) ABC Profits .....	1,965,000
(4) Whiskey Tax .....	21,000,000
(5) Beer Tax .....	7,740,000
(6) Pension Residue .....	12,500,000
(7) Sales Tax .....	1,322,000
(8) Franchise Tax .....	11,000,000
(9) Contracts, Service Fees ..	150,000
(10) Child Support Collections	2,840,064
(11) Sales Tax for Food Stamps .....	16,000,000
(12) Cigarette Tax .....	4,420,000
(13) Contractor's Gross Re- ceipts Tax .....	3,000,000

**Total Department of Pensions  
and Security .....**

234,693,253

234,693,253

It is provided that not more

than four thousand fifty  
(4,050) employees shall be  
paid from the above  
appropriation.

75. PERSONNEL DEPARTMENT,  
STATE:

(a) Administrative Support Program .....	1,830,727
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SOURCE OF FUNDS:

(1) Transfer from Department of Aeronautics .....	314
(2) Transfer from Commission on Aging .....	1,004
(3) Transfer from Agriculture and Industries .....	28,551
(4) Transfer from Agricultural Center Board .....	753
(5) Transfer from Alcoholic Beverage Control Board ..	64,694
(6) Transfer from Board of Registration for Architects .....	126
(7) Transfer from Archives and History .....	2,886
(8) Transfer from the Council on Arts and Humanities ..	627
(9) Transfer from the Office of the Attorney General ..	9,350
(10) Transfer from the State Auditor .....	1,569
(11) Transfer from State Banking Department .....	3,075
(12) Transfer from Finance-Alabama Building Authority .....	1,945
(13) Transfer from Finance-Alabama Building Finance Authority .....	1,694
(14) Transfer from Building Commission .....	1,192
(15) Transfer from Civil Air Patrol .....	63
(16) Transfer from Civil Defense Department .....	2,008

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(17) Transfer from Local Civil Defense .....	725
(18) Transfer from Conservation Department .....	40,975
(19) Transfer from State Licensing Board for General Contractors .....	377
(20) Transfer from Department of Corrections .....	99,268
(21) Transfer from Board of Cosmetology .....	565
(22) Transfer from Criminal Justice Information Center .....	3,137
(23) Transfer from Alabama Development Office .....	2,133
(24) Transfer from State Docks .....	37,210
(25) Transfer from Education .....	80,255
(26) Transfer from the Department of Economic and Community Affairs .....	12,612
(27) Transfer from Board of Registration for Professional Engineers and Land Surveyors .....	251
(28) Transfer from Ethics Commission .....	502
(29) Transfer from Examiners of Public Accounts .....	8,220
(30) Transfer from Farmer's Market Authority .....	188
(31) Transfer from Finance Department .....	32,943
(32) Transfer from Firefighters Personnel Standards and Education Commission .....	188
(33) Transfer from Foreign Trade Commission .....	126
(34) Transfer from Department of Forensic Sciences .....	4,769
(35) Transfer from Forestry Commission .....	26,794

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(36) Transfer from Geological Survey .....	3,828
(37) Transfer from Governor's Office .....	3,263
(38) Transfer from Department of Public Health .....	113,764
(39) Transfer from State Health Planning and Development Agency .....	1,380
(40) Transfer from Highway Department .....	230,789
(41) Transfer from Alabama Historical Commission ...	2,447
(42) Transfer from Industrial Relations .....	113,826
(43) Transfer from Insurance Department .....	3,765
(44) Transfer from State Employees' Insurance Board ..	126
(45) Transfer from Department of Labor .....	502
(46) Transfer from Legislative Reference Service .....	502
(47) Transfer from Liquefied Petroleum Gas Board ....	502
(48) Transfer from Alabama Medicaid Agency .....	13,114
(49) Transfer from Department of Mental Health .....	376,617
(50) Transfer from Military Department .....	9,036
(51) Transfer from Board of Nursing .....	816
(52) Transfer from Examiners of Nursing Home Administrators .....	63
(53) Transfer from Oil and Gas Board .....	3,012
(54) Transfer from Pardons and Paroles .....	15,248
(55) Transfer from Peace Of-	

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ficers' Annuity and Bene- fits Fund .....	251
(56) Transfer from Peace Of- ficers' Standards and Training Commission ....	188
(57) Transfer from Department of Pensions and Security ..	253,065
(58) Transfer from Physical Fitness Commission .....	251
(59) Transfer from Board of Physical Therapy .....	63
(60) Transfer from Public Li- brary Service .....	3,765
(61) Transfer from Department of Public Safety .....	74,294
(62) Transfer from Public Ser- vice Commission .....	7,781
(63) Transfer from Publicity and Information .....	3,514
(64) Transfer from Alabama Public Television Network	5,271
(65) Transfer from Real Estate Commission .....	941
(66) Transfer from Retirement Systems .....	6,024
(67) Transfer from Department of Revenue .....	62,372
(68) Transfer from Secretary of State .....	1,694
(69) Transfer from Securities Commission .....	1,318
(70) Transfer from Board of Social Work Examiners ..	63
(71) Transfer from Soil and Water Conservation Com- mittee .....	314
(72) Transfer from Surface Mining Reclamation Com- mission .....	2,949
(73) Transfer from State Treasurer .....	2,698

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(74) Transfer from Department of Veterans Affairs .....	7,404	
(75) Transfer from Department of Youth Services .....	21,209	
(76) Transfer from Environ- mental Management .....	11,609	
<hr/>		
Total State Personnel Depart- ment .....	1,830,727	1,830,727
<hr/>		

76. PHYSICAL THERAPY, BOARD  
OF:

- (a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 39,918

The appropriation to the  
Board of Physical Therapy  
shall include a transfer to the  
State Personnel Department of  
\$63.

SOURCE OF FUNDS:

- (1) Physical Therapy Fund .. 39,918

As provided in Title 34,  
Chapter 24, Article 5, 1975  
Code of Alabama.

Total Board of Physical Ther- apy .....	39,918	39,918
<hr/>		

77. POLYGRAPH EXAMINERS,  
BOARD OF:

- (a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 13,400

SOURCE OF FUNDS:

- (1) Board of Polygraph Exam-  
iners Fund ..... 13,400

As provided in Title 34,  
Chapter 25, Section 5,  
1975 Code of Alabama as  
amended.

Total Board of Polygraph Ex- aminers .....	13,400	13,400
<hr/>		

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**78. PROSECUTION SERVICES,  
OFFICE OF:**

- |   |         |
|---|---------|
| (a) Prosecution, Training, Education and Management Program | 506,817 |
|---|---------|

**SOURCE OF FUNDS:**

- |   |         |
|---|---------|
| (1) Office of Prosecution Services Fund | 506,817 |
|---|---------|

Total Office of Prosecution Services	506,817	506,817
--------------------------------------	---------	---------

**79. PSYCHOLOGY, ALABAMA  
BOARD OF EXAMINERS IN:**

- |  |        |
|--|--------|
| (a) Professional and Occupational Licensing and Regulation Program | 24,970 |
|--|--------|

**SOURCE OF FUNDS:**

- |   |        |
|---|--------|
| (1) Board of Examiners in Psychology Fund | 24,970 |
|---|--------|

As provided in Title 34,  
Chapter 26, 1975 Code of  
Alabama.

Total Alabama Board of Examiners in Psychology	24,970	24,970
--	--------	--------

**80. PUBLIC SAFETY,  
DEPARTMENT OF:**

- |  |            |
|--|------------|
| (a) Traffic Control and Accident Prevention Program  | 18,322,210 |
| (b) Criminal Investigation Program                   | 3,834,192  |
| (c) Driver's Licensing and Improvement Program       | 7,172,989  |
| (d) Public Safety Support Services Program           | 5,440,686  |
| (e) Administrative Services Program                  | 1,806,175  |
| (f) Alabama Criminal Justice Training Center Program | 1,074,840  |

The appropriation to the Department of Public Safety shall include a transfer to the State

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Personnel Department of  
\$74,294.

SOURCE OF FUNDS:

(1) State General Fund ..... 37,651,092

Total Department of Public Safety .....	37,651,092	37,651,092
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91. PUBLIC SERVICE COMMISSION:

(a) Administrative Services Pro- gram .....	1,333,806
--	-----------

(b) Regulatory Program .....	3,703,911
------------------------------	-----------

The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$7,781.

SOURCE OF FUNDS:

(1) Public Service Commission Fund .....	4,866,282
--	-----------

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$800,000 shall be transferred to the State General Fund.

(2) Federal Funds .....	171,435
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Total Public Service Commission .....	5,037,717	5,037,717
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82. PUBLICITY AND  
INFORMATION, BUREAU OF:

- (a) Tourism and Travel Promotion  
Program ..... 2,461,867

The appropriation to the Bureau of Publicity and Information shall include a transfer to the State Personnel Department of \$3,514.

SOURCE OF FUNDS:

- (1) State General Fund-  
Transfer ..... 498,565
- (2) Lodgings Tax (\$.01) ..... 1,963,302

Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama.

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Total Bureau of Publicity and Information .....	498,565	1,963,302	2,461,867
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83. REAL ESTATE COMMISSION,  
ALABAMA:

- (a) Professional and Occupational  
Licensing and Regulation Program ..... 605,428

The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of \$941.

SOURCE OF FUNDS:

- (1) Alabama Real Estate  
Commission Fund—as  
provided in Title 34,  
Chapter 27, 1975 Code of  
Alabama, as amended and  
the total expenditures  
shall in no manner exceed  
the amounts hereby ap-  
propriated ..... 605,428

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Total Alabama Real Estate Commission .....	605,428	605,428
--	---------	---------

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## 84. REVENUE DEPARTMENT:

(a) State Revenue Administration Program .....	33,508,572
--	------------

The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$62,372.

## SOURCE OF FUNDS:

(1) State General Fund- Transfer as provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments .....	250,000
(2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama .....	454,734
(3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections .....	351,661
(4) Transfer from the gross proceeds of the Forest Severance Tax Collections .....	206,146
(5) Transfer from the gross proceeds of Gasoline Tax Collections .....	2,352,490
(6) Transfer from the Income Tax Collections .....	7,842,644
(7) Transfer from the gross proceeds of Motor Fuel Tax Collections .....	1,358,140
(8) Transfer from the gross proceeds of Motor Vehicle License Collections .....	1,373,297
(9) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax .....	421,387
(10) Transfer from the Public School Fund as part of the	

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cost of collections of the 3-Mill Ad Valorem Tax . . . .	1,036,793
(11) Transfer from the gross proceeds of Sales Tax Collections . . . . .	10,934,834
(12) Transfer from the gross proceeds of the Tobacco Tax Collections . . . . .	2,234,260
(13) Transfer from the gross proceeds of Use Tax Collections . . . . .	1,067,108
(14) Transfer from the gross proceeds of the Utility Tax Collections-as provided in Title 40, Chapter 21, 1975 Code of Alabama . . . . .	700,290
(15) Local Funds . . . . .	2,924,788

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collections of taxes or licenses.

Total Revenue Department . . .	250,000	33,258,572	33,508,572
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**85. REVENUE - BOARDS OF  
EQUALIZATION:**

- (a) State Revenue Administration  
Program . . . . .

115,741

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## SOURCE OF FUNDS:

(1) State General Fund .....	115,741	
<hr/>		
Total Revenue-Boards of Equalization .....	115,741	115,741
<hr/>		

86. REVENUE - MOTOR VEHICLE  
LICENSE:

(a) State Revenue Administration Program .....	2,252,460
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## SOURCE OF FUNDS:

(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags .....	2,252,460	
<hr/>		
Total Revenue-Motor Vehicle License .....	2,252,460	2,252,460
<hr/>		

## 87. SECRETARY OF STATE:

(a) Administrative Support Ser- vices Program .....	724,952
--	---------

The appropriation to the Sec-  
retary of State shall include a  
transfer to the State Personnel  
Department of \$1,694.

## SOURCE OF FUNDS:

(1) State General Fund .....	724,952	
<hr/>		
Total Secretary of State .....	724,952	724,952
<hr/>		

## 88. SECURITIES COMMISSION:

(a) Regulatory Services Program ..	695,343
------------------------------------	---------

The appropriation to the Se-  
curities Commission shall in-  
clude a transfer to the State  
Personnel Department of  
\$1,318.

## SOURCE OF FUNDS:

(1) State General Fund .....	406,518	
(2) Industrial Development Bond Notification Fund ..	139,678	

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(3) Sales of Checks License Fund .....		8,000	
(4) Exemption Fund .....		141,147	
Total Securities Commission ..	406,518	288,825	695,343

**89. SOCIAL WORK EXAMINERS,  
ALABAMA STATE BOARD OF:**

- (a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 50,000

The appropriation to the Ala-  
bama State Board of Social  
Work Examiners shall include  
a transfer to the State Person-  
nel Department of \$63.

**SOURCE OF FUNDS:**

- (1) Alabama State Board of  
Social Work Examiners  
Fund-as provided in Title  
34, Chapter 30, 1975 Code  
of Alabama ..... 50,000

Total Alabama State Board of Social Work Examiners .....	50,000	50,000
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**90. SOIL AND WATER  
CONSERVATION COMMITTEE,  
ALABAMA STATE:**

- (a) Water Resources Development  
Program ..... 584,702

- (b) Alabama Fish Farming Center  
The appropriation to Soil and  
Water Conservation Commit-  
tee shall include a transfer to  
the State Personnel Depart-  
ment of \$314. 175,000

**SOURCE OF FUNDS:**

- (1) State General Fund ..... 759,702

Total Alabama State Soil and Water Conservation Committee	759,702	759,702
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**91. SOUTHERN GROWTH POLICIES  
BOARD:**

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(a) Special Services Program . . . . .		21,505
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	21,505	
Total Southern Growth Policies Board . . . . .	21,505	21,505
92. SPACE SCIENCE EXHIBIT COMMISSION, ALABAMA:		
(a) Tourism and Travel Promotion Program . . . . .		302,600
SOURCE OF FUNDS:		
(1) State General Fund-Capital Outlay . . . . .	302,600	
Total Alabama Space Science Exhibit Commission . . . . .	302,600	302,600
93. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:		
(a) Professional and Occupational Licensing and Regulation Program . . . . .		17,600
SOURCE OF FUNDS:		
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund-as provided in Title 34, Chapter 28A, 1975 Code of Alabama . . . . .	17,600	
Total Alabama Board of Examiners for Speech Pathology and Audiology . . . . .	17,600	17,600
94. SPORTS HALL OF FAME:		
(a) Historical Resources Management Program . . . . .		70,000
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	70,000	
Total Sports Hall of Fame . . . . .	70,000	70,000

95. SURFACE MINING  
RECLAMATION COMMISSION:

- (a) Industrial Safety and Accident  
Prevention Program ..... 5,864,400

The appropriation to the Sur-  
face Mining Reclamation Com-  
mission shall include a transfer  
to the State Personnel Depart-  
ment of \$2,949.

SOURCE OF FUNDS:

- (1) Surface Mining Reclama-  
tion Commission Fund-as  
provided by Title 9, Chap-  
ter 16, Article 2, 1975  
Code of Alabama. All fees  
and charges, grants, gifts,  
fines, bond forfeitures or  
other monies received  
under the above act, in ad-  
dition to the appropriation  
herein made, are appropri-  
ated to the Surface Min-  
ing Reclamation Commis-  
sion ..... 5,864,400

Total Surface Mining Reclama- tion Commission .....	5,864,400	5,864,400
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96. TANNEHILL HISTORICAL  
STATE PARK:

- (a) Historical Resources Manage-  
ment Program ..... 562,500

SOURCE OF FUNDS:

- (1) State General Fund ..... 212,500
- (2) Federal, Local and Miscel-  
laneous Funds ..... 350,000

Total Tannehill Historical State Park .....	212,500	350,000	562,500
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97. TENNESSEE-TOMBIGBEE  
WATERWAY DEVELOPMENT  
AUTHORITY:

- (a) Water Resource Development  
Program ..... 473,523

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## SOURCE OF FUNDS:

(1) State General Fund .....	140,250		
As provided in Title 33, Chapter 8, 1975 Code of Alabama as amended.			
(2) Federal, Local and Miscellaneous Funds .....		333,273	
<hr/>			
Total Tennessee-Tombigbee Waterway Development Authority .....	140,250	333,273	473,523
<hr/>			

## 98. TREASURER, STATE:

(a) Fiscal Management Program .....	1,311,960
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The appropriation to the State Treasurer shall include a transfer to the State Personnel Department of \$2,698.

## SOURCE OF FUNDS:

(1) State General Fund .....	1,311,960	
<hr/>		
Total State Treasurer .....	1,311,960	1,311,960
<hr/>		

99. UNIFORM STATE LAWS,  
COMMISSION ON:

(a) Special Services Program, Estimated .....	3,525
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## SOURCE OF FUNDS:

(1) State General Fund .....	3,525	
As provided in Title 41, Chapter 9, Article 12, 1975 Code of Alabama.		
<hr/>		
Total Commission on Uniform State Laws, Estimated .....	3,525	3,525
<hr/>		

100. VETERANS AFFAIRS,  
DEPARTMENT OF:

(a) Administration of Veterans Affairs Program .....	2,331,599
(b) Veteran's Home Study .....	60,000

The appropriation to the Department of Veterans Affairs



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shall include a transfer to the  
State Personnel Department of  
\$7,404.

**SOURCE OF FUNDS:**

(1) State General Fund ..... 2,391,599

Total Department of Veterans Affairs .....	2,391,599	2,391,599
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**101. VETERINARY MEDICAL EXAM-  
INERS, ALABAMA STATE  
BOARD OF:**

(a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 40,000

**SOURCE OF FUNDS:**

(1) State Board of Veterinary  
Medical Examiners Fund ..... 40,000

As provided in Title 34,  
Chapter 29, 1975 Code of  
Alabama.

Total Alabama State Board of Veterinary Medical Examiners .....	40,000	40,000
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**102. WOMEN'S COMMISSION, ALA-  
BAMA:**

(a) Employment and Social Op-  
portunities Program ..... 7,650

**SOURCE OF FUNDS:**

(1) State General Fund ..... 7,650

Total Alabama Women's Com- mission .....	7,650	7,650
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**103. WOMEN'S HALL OF FAME, ALA-  
BAMA:**

(a) Historical Resources Manage-  
ment Program ..... 10,200

**SOURCE OF FUNDS:**

(1) State General Fund ..... 10,200

Total Alabama Women's Hall of Fame .....	10,200	10,200
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104. LIBRARY SERVICE, ALABAMA  
PUBLIC:

(a) Public Library Service Program .....	100,000
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SOURCE OF FUNDS:

(1) State General Fund .....	100,000
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Total Alabama Public Library Service .....	100,000	100,000
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D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENERAL FUND:

1. ADVERTISING LANDS FOR  
TAX SALE:

(a) State Revenue Administration Program, Estimated .....	70,000
---	--------

SOURCE OF FUNDS:

(1) State General Fund .....	70,000
------------------------------	--------

Total Advertising Lands for Tax Sale .....	70,000	70,000
--	--------	--------

2. ARREST OF ABSCONDING  
FELONS:

(a) Criminal Investigation Program, Estimated .....	65,000
---	--------

SOURCE OF FUNDS:

(1) State General Fund .....	65,000
------------------------------	--------

Total Arrest of Absconding Felons .....	65,000	65,000
---	--------	--------

3. AUTOMATIC APPEAL  
EXPENSE:

(a) Legal Advice and Legal Service Program, Estimated .....	250
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SOURCE OF FUNDS:

(1) State General Fund .....	250
------------------------------	-----

As provided in Title 12,  
Chapter 22, Sections 150  
and 241, 1975 Code of Ala-  
bama .....

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Total Automatic Appeal Ex- pense .....	250	250
<hr/>		
4. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:		
(a) State Revenue Administration Program, Estimated .....		200
SOURCE OF FUNDS:		
(1) State General Fund .....	200	
<hr/>		
Total Civil Court Costs in Con- nection with Ad Valorem Tax Assessments Appeals .....	200	200
<hr/>		
5. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES- NATIONAL CEMETERY:		112,000
For the acquisition of land in accordance with P.L. 88-578 (Land and Water Conservation Fund Act). Property will be ex- changed for space for National Cemetery.		
SOURCE OF FUNDS:		
(1) State General Fund .....	112,000	
<hr/>		
Total Department of Conserva- tion and Natural Resources- National Cemetery .....	112,000	112,000
<hr/>		
6. CONSUMER UTILITY RATE HEARING:		
(a) Executive Direction Program .		250,000
SOURCE OF FUNDS:		
(1) State General Fund .....	250,000	
As provided in Title 37, Chapter 1, Article 1, 1975 Code of Alabama.		
<hr/>		
Total Consumer Utility Rate Hearing .....	250,000	250,000
<hr/>		

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7. COURT COSTS-ACT NO. 558, 1957:		
(a) Court Operations Program, Es- timated .....		100
SOURCE OF FUNDS:		
(1) State General Fund .....	100	
Pursuant to Act No. 558, 1957, page 777.		
<hr/>		
Total Court Costs-Act No. 558, 1957 .....	100	100
<hr/>		
8. COURT-ASSESSED COST NOT OTHERWISE PROVIDED FOR:		
(a) Court Operations Program, Es- timated .....		1,731,685
SOURCE OF FUNDS:		
(1) State General Fund .....	1,731,685	
<hr/>		
Total Court-Assessed Cost Not Otherwise Provided For .....	1,731,685	1,731,685
<hr/>		
9. DISTRIBUTION OF PUBLIC DOCUMENTS:		
(a) Administrative Support Service Program, Estimated .....		45,000
SOURCE OF FUNDS:		
(1) State General Fund .....	45,000	
<hr/>		
Total Distribution of Public Documents .....	45,000	45,000
<hr/>		
10. ELECTION EXPENSES:		
(a) Special Services Program, Esti- mated .....		1,410,000
SOURCE OF FUNDS:		
(1) State General Fund .....	1,410,000	
<hr/>		
Total Election Expenses .....	1,410,000	1,410,000
<hr/>		
11. EMERGENCY FUND, DEPARTMENTAL:		
(a) Special Services Program .....		495,000

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**SOURCE OF FUNDS:**

(1) State General Fund ..... 495,000

(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, 1975 Code of Alabama, and shall be the only amount appropriated and the total amount expended under the provisions of said section.)

Total Departmental Emergency Fund .....	495,000	495,000
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**12. FEEDING OF PRISONERS:**

(a) Institutional Services-Corrections Program, Estimated ..... 3,500,000

**SOURCE OF FUNDS:**

(1) State General Fund ..... 3,500,000

For expenses of feeding prisoners in county jails

Total Feeding of Prisoners .....	3,500,000	3,500,000
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**13. DEPARTMENT OF FINANCE-CAPITOL MOVING EXPENSES, ESTIMATED:**

1,800,000

To be utilized to move all occupants in the State Capitol Building .....

**SOURCE OF FUNDS:**

(1) State General Fund ..... 1,800,000

Total Department of Finance-Capitol Moving Expenses, Estimated .....	1,800,000	1,800,000
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**14. DEPARTMENT OF FINANCE-FEMA, ESTIMATED:**

1,000,000

Payments of the State's share of Administration costs and matching grants furnished by the Federal Emergency Management Agency

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## SOURCE OF FUNDS:

(1) State General Fund .....	1,000,000	
<hr/>		
Total Department of Finance-		
FEMA, Estimated .....	1,000,000	1,000,000
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15. DEPARTMENT OF FINANCE-  
TELEPHONE REVOLVING  
FUND:

400,000

## SOURCE OF FUNDS:

(1) State General Fund .....	400,000	
<hr/>		
Total Department of Finance-		
Telephone Revolving Fund .....	400,000	400,000
<hr/>		

16. FOREST FIRE FUND,  
EMERGENCY:

(a) Forest Resource Protection Program .....	180,000
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## SOURCE OF FUNDS:

(1) State General Fund- Transfer- As provided by Title 9, Chapter 30, Sec- tion 10, 1975 Code of Ala- bama .....	180,000	
<hr/>		
Total Emergency Forest Fire Fund .....	180,000	180,000
<hr/>		

17. GOVERNORS' CONFERENCE,  
NATIONAL:

(a) Executive Direction Program ..	75,550
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## SOURCE OF FUNDS:

(1) State General Fund .....	75,550	
<hr/>		
Total National Governors' Con- ference .....	75,550	75,550
<hr/>		

## 18. GOVERNOR'S COUNCILLOR:

(a) Executive Direction Program ..	19,700
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## SOURCE OF FUNDS:

(1) State General Fund .....	19,700
As provided in Title 36,	

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Chapter 13, Section 13,  
1975 Code of Alabama.

Total Governor's Councillor ...	19,700	19,700
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**19. GOVERNOR'S PROCLAMATION  
EXPENSES:**

(a) Executive Direction Program, Estimated .....		150,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	150,000	
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Total Governor's Proclamation Expenses .....	150,000	150,000
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**20. GOVERNOR'S WIDOWS  
RETIREMENT:**

(a) Executive Direction Program ..		14,400
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**SOURCE OF FUNDS:**

(1) State General Fund .....	14,400	
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Total Governor's Widows Re- tirement .....	14,400	14,400
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**21. INTERPRETER'S ACCOUNT:**

(a) Court Support Services Pro- gram, Estimated .....		1,700
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**SOURCE OF FUNDS:**

(1) State General Fund .....	1,700	
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As provided in Title 12,  
Chapter 21, Section 131-  
134, 1975 Code of Ala-  
bama.

Total Interpreter's Account ...	1,700	1,700
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**22. LAW ENFORCEMENT FUND:**

(a) Criminal Investigation Pro- gram .....		100
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**SOURCE OF FUNDS:**

(1) State General Fund- Transfer .....	100	
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Total Law Enforcement Fund .....		100	100
<hr/>			
<b>23. LAW ENFORCEMENT LEGAL DEFENSE:</b>			
(a) Legal Advice and Legal Services Program .....			3,000
SOURCE OF FUNDS:			
(1) State General Fund .....		3,000	
To carry out provisions of Title 36, Chapter 21, Section 1, 1975 Code of Alabama.			
<hr/>			
Total Law Enforcement Legal Defense .....		3,000	3,000
<hr/>			
<b>24. MAILING TAX NOTICES:</b>			
(a) State Revenue Administration Program, Estimated .....			100
SOURCE OF FUNDS:			
(1) State General Fund .....		100	
<hr/>			
Total Mailing Tax Notices .....		100	100
<hr/>			
<b>25. MENTAL HEALTH TRUST FUND, ALABAMA SPECIAL:</b>			
			33,000,000
SOURCE OF FUNDS:			
(1) State General Fund-Transfer .....		33,000,000	
<hr/>			
Total Alabama Special Mental Health Trust Fund .....		33,000,000	33,000,000
<hr/>			
<b>26. POLICEMAN'S SURVIVOR TUITION ACT:</b>			
(a) Support of Other Educational Activities Program, Estimated .....			5,000
SOURCE OF FUNDS:			
(1) State General Fund .....		5,000	
<hr/>			
Total Policeman's Survivor Tuition Act .....		5,000	5,000
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**27. PRESIDENTIAL ELECTORAL  
EXPENSE:**

(a) Administration of Public Documents Program, Estimated . . .		1,000
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	1,000	
<hr/>		
Total Presidential Electoral Expense . . . . .	1,000	1,000
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**28. PRINTING OF CODE  
SUPPLEMENT-LEGISLATIVE  
REFERENCE SERVICE:**

(a) Administration of Public Documents Program, Estimated . . .		350,000
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	350,000	
<hr/>		
Total Printing of Code Supplement-Legislative Reference Service . . . . .	350,000	350,000
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**29. PRINTING CODES AND  
SUPPLEMENTS-SECRETARY OF  
STATE:**

(a) Administration of Public Documents Program, Estimated . . .		150,000
SOURCE OF FUNDS		
(1) State General Fund . . . . .	150,000	
<hr/>		
Total Printing Codes and Supplements-Secretary of State . . .	150,000	150,000
<hr/>		

**30. PRINTING OF LEGISLATIVE  
ACTS AND JOURNALS:**

(a) Administrative Support Services Program, Estimated . . .		410,000
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	410,000	
<hr/>		
Total Printing of Legislative Acts and Journals . . . . .	410,000	410,000
<hr/>		

**31. PRINTING OF STATE AND**

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COUNTY PRIVILEGE  
LICENSES:

(a) State Revenue Administration Program, Estimated .....	25,000
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SOURCE OF FUNDS:

(1) State General Fund .....	25,000	
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Total Printing of State and County Privilege Licenses .....	25,000	25,000
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32. PUBLIC DEFENDER:

(a) Court Operations Program, Es- timated .....	55,000
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SOURCE OF FUNDS:

(1) State General Fund .....	55,000	
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For salary of Public De-  
fender for the 21st Judi-  
cial Circuit, as provided  
by Title 15, Chapter 12,  
Section 43, 1975 Code of  
Alabama.

Total Public Defender .....	55,000	55,000
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33. REGISTRATION OF VOTERS:

(a) Special Services Program, Estimated .....	1,000,000
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SOURCE OF FUNDS:

(1) State General Fund .....	1,000,000	
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Total Registration of Voters ..	1,000,000	1,000,000
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34. REMOVAL OF PRISONERS:

(a) Administrative Services and Logistical Support Program, Estimated .....	200,000
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SOURCE OF FUNDS:

(1) State General Fund .....	200,000	
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Total Removal of Prisoners ...	200,000	200,000
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35. SOCIAL SECURITY-COUNTY  
JUDICIAL:

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(a) Fringe Benefit Program, Estimated .....		300,000
SOURCE OF FUNDS:		
(1) State General Fund .....	300,000	
<hr/>		
Total Social Security-County Judicial .....	300,000	300,000
<hr/>		
36. STATE GENERAL FUND, ESTIMATED:		66,680,284
SOURCE OF FUNDS:		
(1) Heritage Trust Income Fund Transfer. All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein. Estimated .....	66,680,284	
<hr/>		
Total State General Fund, Estimated .....	66,680,284	66,680,284
<hr/>		
37. STATE TREASURER-PREVIOUS YEAR'S UNPAID WARRANTS:		
(a) Special Services Program, Estimated .....		250,000
SOURCE OF FUNDS:		
(1) State General Fund .....	250,000	
<hr/>		
Total State Treasurer-Previous Year's Unpaid Warrants .....	250,000	250,000
<hr/>		
38. RECREATION CAPITAL DEVELOPMENT FUND, ALABAMA:		300,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer .....	300,000	
<hr/>		
Total Alabama Recreation Capital Development Fund .....	300,000	300,000
<hr/>		

**E. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:**

**1. ANNISTON SUBREGIONAL**

LIBRARY FOR THE BLIND AND  
PHYSICALLY HANDICAPPED:

(a) Public Library Services Program .....		4,500
SOURCE OF FUNDS:		
(1) State General Fund .....	4,500	
<hr/>		
Total Anniston Subregional Library for the Blind and Physically Handicapped .....	4,500	4,500
<hr/>		

2. APPALACHIAN REGIONAL  
COMMISSION:

(a) Planning Program .....		189,970
SOURCE OF FUNDS:		
(1) State General Fund .....	189,970	
<hr/>		
Total Appalachian Regional Commission .....	189,970	189,970
<hr/>		

3. ARMED FORCES DAY IN  
ALABAMA:

(a) Historical Resources Management Program .....		836
SOURCE OF FUNDS:		
(1) State General Fund .....	836	
<hr/>		
Total Armed Forces Day in Alabama .....	836	836
<hr/>		

4. ARMY AVIATION MUSEUM,  
FORT RUCKER, AL:

(a) Historical Resources Management Program .....		75,000
SOURCE OF FUNDS:		
(1) State General Fund .....	75,000	
<hr/>		
Total Army Aviation Museum, Fort Rucker, AL .....	75,000	75,000
<hr/>		

5. ARTS HALL OF FAME,  
ALABAMA:

(a) Fine Arts Program .....		4,500
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**SOURCE OF FUNDS:**

(1) State General Fund .....	4,500	
<hr/>		
Total Alabama Arts Hall of Fame .....	4,500	4,500
<hr/>		

**6. AZALEA TRAIL FESTIVAL,  
MOBILE:**

(a) Tourism and Travel Promotion Program .....	1,556
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**SOURCE OF FUNDS:**

(1) State General Fund .....	1,556	
<hr/>		
Total Mobile Azalea Trail Fes- tival .....	1,556	1,556
<hr/>		

**7. BIG NANCE CREEK WATER  
MANAGEMENT DISTRICT:**

(a) Water Resource Development Program .....	1,400
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**SOURCE OF FUNDS:**

(1) State General Fund .....	1,400	
<hr/>		
Total Big Nance Creek Water Management District .....	1,400	1,400
<hr/>		

**8. BIRMINGHAM CHAMBER  
MUSIC SOCIETY:**

(a) Fine Arts Program .....	1,556
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**SOURCE OF FUNDS:**

(1) State General Fund .....	1,556	
<hr/>		
Total Birmingham Chamber Music Society .....	1,556	1,556
<hr/>		

**9. BIRMINGHAM FESTIVAL OF  
ARTS, INC.:**

(a) Fine Arts Program .....	15,230
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**SOURCE OF FUNDS:**

(1) State General Fund .....	15,230	
<hr/>		
Total Birmingham Festival of Arts, Inc. ....	15,230	15,230
<hr/>		

10. BIRMINGHAM  
INTERNATIONAL  
EDUCATIONAL FILM  
FESTIVAL:

(a) Fine Arts Program ..... 7,500

## SOURCE OF FUNDS:

(1) State General Fund ..... 7,500

Total Birmingham Interna-  
tional Educational Film Festi-  
val .....

7,500

7,500

11. BLUE AND GRAY  
ASSOCIATION, INC.:(a) Tourism and Travel Promotion  
Program ..... 5,602

## SOURCE OF FUNDS:

(1) State General Fund ..... 5,602

Total Blue and Gray Associa-  
tion, Inc. ....

5,602

5,602

12. CHILTON COUNTY PEACH  
FESTIVAL:(a) Tourism and Travel Promotion  
Program ..... 11,250

## SOURCE OF FUNDS:

(1) State General Fund ..... 11,250

Total Chilton County Peach  
Festival .....

11,250

11,250

13. CHOCCOLOCCO CREEK  
WATERSHED ASSOCIATION:(a) Water Resource Development  
Program ..... 2,183

## SOURCE OF FUNDS:

(1) State General Fund ..... 2,183

Total Choccolocco Creek Wa-  
tershed Association .....

2,183

2,183

## 14. CIVIL AIR PATROL:

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(a) Readiness and Recovery Program .....			40,000
SOURCE OF FUNDS:			
(1) State General Fund .....	40,000		
Total Civil Air Patrol .....			40,000
15. COOSA-ALABAMA RIVER IMPROVEMENT ASSOCIATION:			
(a) Water Resource Development Program .....			7,784
SOURCE OF FUNDS:			
(1) State General Fund .....	7,784		
Total Coosa-Alabama River Improvement Association .....			7,784
16. COOSA RIVER ACTION COUNCIL, INC.:			
(a) Water Resource Development Program .....			6,221
SOURCE OF FUNDS:			
(1) State General Fund .....	6,221		
Total Coosa River Action Council, Inc. ....			6,221
17. DEEP SEA FISHING RODEO, ALABAMA:			
(a) Tourism and Travel Promotion Program .....			935
SOURCE OF FUNDS:			
(1) State General Fund .....	935		
Total Alabama Deep Sea Fishing Rodeo .....			935
18. DORSE, MARY E., RECREATIONAL AND EDUCATIONAL CENTER:			
(a) Special Services Program .....			3,638
SOURCE OF FUNDS:			
(1) State General Fund .....	3,638		

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Total Mary E. Dorse Recrea- tional and Educational Center	3,638	3,638

19. DYNNE CREEK WATERSHED  
CONSERVANCY DISTRICT:

(a) Water Resource Development Program .....		1,400
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SOURCE OF FUNDS:

(1) State General Fund .....	1,400	

Total Dynne Creek Watershed Conservancy District .....	1,400	1,400

20. EAST ALABAMA CHILD  
DEVELOPMENT PROGRAM:

(a) Financial Assistance Program .		825,000
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SOURCE OF FUNDS:

(1) State General Fund .....	825,000	

Total East Alabama Child De- velopment Program .....	825,000	825,000

21. ELK RIVER DEVELOPMENT  
AGENCY:

(a) Water Resource Development Program .....		4,656
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SOURCE OF FUNDS:

(1) State General Fund .....	4,656	

Total Elk River Development Agency .....	4,656	4,656

22. ENERGY BOARD, SOUTHERN  
STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program .....		20,536
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SOURCE OF FUNDS:

(1) State General Fund .....	20,536	

Total Southern States Energy



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Board .....	20,536	20,536
<hr/>		
23. FESTIVAL ON THE RIVER, GENEVA COUNTY:		
(a) Tourism and Travel Promotion Program .....		3,000
SOURCE OF FUNDS:		
(1) State General Fund .....	3,000	
<hr/>		
Total Festival on the River, Ge- neva County .....	3,000	3,000
<hr/>		
24. FOREST FESTIVAL, ALABAMA:		
(a) Forest Information and Educa- tion Program .....		4,610
SOURCE OF FUNDS:		
(1) State General Fund .....	4,610	
<hr/>		
Total Alabama Forest Festival	4,610	4,610
<hr/>		
24A. GULF SHORES TOURIST ASSOCIATION:		
(a) Tourism and Travel Promotion Program .....		8,398
SOURCE OF FUNDS:		
(1) State General Fund .....	8,398	
<hr/>		
Total Gulf Shores Tourist As- sociation .....	8,398	8,398
<hr/>		
25. GUNTERSVILLE BOAT RACES:		
(a) Tourism and Travel Promotion Program .....		9,068
SOURCE OF FUNDS:		
(1) State General Fund .....	9,068	
<hr/>		
Total Guntersville Boat Races	9,068	9,068
<hr/>		
26. HANK WILLIAMS MEMORIAL ASSOCIATION:		
(a) Historical Resources Manage- ment Program .....		3,110

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**SOURCE OF FUNDS:**

(1) State General Fund .....	3,110	
<hr/>		
Total Hank Williams Memorial Association .....	3,110	3,110
<hr/>		

**27. HELEN KELLER PROPERTY BOARD:**

(a) Historical Resources Management Program .....	30,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	30,000	
<hr/>		
Total Helen Keller Property Board .....	30,000	30,000
<hr/>		

**28. INTERSTATE MINING COMMISSION:**

(a) Planning Program .....	7,292
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**SOURCE OF FUNDS:**

(1) State General Fund .....	7,292	
<hr/>		
Total Interstate Mining Commission .....	7,292	7,292
<hr/>		

**29. JUNIOR MISS PAGEANT, INC., AMERICA'S:**

(a) Tourism and Travel Promotion Program .....	50,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	50,000	
<hr/>		
Total America's Junior Miss Pageant, Inc. ....	50,000	50,000
<hr/>		

**30. KETCHEPEDRAKEE CREEK WATERSHED CONSERVANCY DISTRICT:**

(a) Water Resource Development Program .....	1,400
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**SOURCE OF FUNDS:**

(1) State General Fund .....	1,400	
<hr/>		
Total Ketchepedrakee Creek		

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Watershed Conservancy District .....	1,400	1,400
		<hr/>

**31. LAKE EUFAULA SUMMER  
SPECTACULAR:**

(a) Tourism and Travel Promotion Program .....		5,602
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**SOURCE OF FUNDS:**

(1) State General Fund .....	5,602	
		<hr/>

Total Lake Eufaula Summer Spectacular .....	5,602	5,602
		<hr/>

**32. LANDMARKS FOUNDATION,  
INC.:**

(a) Historical Resources Management Program .....		5,625
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**SOURCE OF FUNDS:**

(1) State General Fund .....	5,625	
		<hr/>

Total Landmarks Foundation, Inc. ....	5,625	5,625
		<hr/>

**33. MOBILE AREA MARDI GRAS  
ASSOCIATION:**

(a) Tourism and Promotion Program .....		2,175
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**SOURCE OF FUNDS:**

(1) State General Fund .....	2,175	
		<hr/>

Total Mobile Area Mardi Gras Association .....	2,175	2,175
		<hr/>

**34. MOBILE CARNIVAL  
ASSOCIATION:**

(a) Tourism and Travel Promotion Program .....		2,800
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**SOURCE OF FUNDS:**

(1) State General Fund .....	2,800	
		<hr/>

Total Mobile Carnival Association .....	2,800	2,800
		<hr/>

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**35. MOBILE EXPLOREUM-MEDICAL:**

(a) Educational Museum Services Program .....		25,000
SOURCE OF FUNDS:		
(1) State General Fund .....	25,000	
<hr/>		
Total Mobile Exploreum-Medical .....	25,000	25,000
<hr/>		

**36. MOTOR SPORTS HALL OF FAME:**

(a) Tourism and Travel Promotion Program .....		75,000
SOURCE OF FUNDS:		
(1) State General Fund .....	75,000	
<hr/>		
Total Motor Sports Hall of Fame .....	75,000	75,000
<hr/>		

**37. MOUNTAIN LAKES TOURIST ASSOCIATION, ALABAMA:**

(a) Tourism and Travel Promotion Program .....		14,306
SOURCE OF FUNDS:		
(1) State General Fund .....	14,306	
<hr/>		
Total Mountain Lakes Tourist Association, Alabama .....	14,306	14,306
<hr/>		

**38. MUSIC HALL OF FAME, ALABAMA:**

(a) Fine Arts Program .....		25,000
SOURCE OF FUNDS:		
(1) State General Fund .....	25,000	
<hr/>		
Total Alabama Music Hall of Fame .....	25,000	25,000
<hr/>		

**39. PEA RIVER HISTORICAL AND GENEALOGICAL SOCIETY:**

(a) Historical Resources Management Program .....		3,110
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**SOURCE OF FUNDS:**

(1) State General Fund .....	3,110	
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Total Pea River Historical and Genealogical Society .....	3,110	3,110
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**40. PEA RIVER WATERSHED  
CONSERVANCY DISTRICT:**

(a) Water Resource Development Program .....		1,400
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**SOURCE OF FUNDS:**

(1) State General Fund .....	1,400	
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Total Pea River Watershed Conservancy District .....	1,400	1,400
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**41. PEANUT FESTIVAL  
ASSOCIATION, INC., NATIONAL:**

(a) Tourism and Travel Promotion Program .....		8,250
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**SOURCE OF FUNDS:**

(1) State General Fund .....	8,250	
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Total National Peanut Festival Association, Inc. ....	8,250	8,250
--	-------	-------

**42. PIKE COUNTY PIONEER  
MUSEUM ASSOCIATION:**

(a) Historical Resources Manage- ment Program .....		5,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	5,000	
------------------------------	-------	--

Total Pike County Pioneer Mu- seum Association .....	5,000	5,000
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**43. RIVERBOAT COMMISSION,  
INC., MONTGOMERY:**

(a) Tourism and Travel Promotion Program .....		14,005
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**SOURCE OF FUNDS:**

(1) State General Fund .....	14,005	
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Total Montgomery Riverboat

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Commission .....	14,005	14,005
<hr/>		
44. SAFE PLACE:		
(a) Social Services Program .....		15,000
SOURCE OF FUNDS:		
(1) State General Fund .....	15,000	
<hr/>		
Total Safe Place .....	15,000	15,000
<hr/>		
45. SENIOR BOWL-MOBILE:		
(a) Tourism and Travel Promotion Program .....		25,000
SOURCE OF FUNDS:		
(1) State General Fund .....	25,000	
<hr/>		
Total Senior Bowl-Mobile .....	25,000	25,000
<hr/>		
46. SHELBY COUNTY HISTORICAL ASSOCIATION:		
(a) Historical Resources Manage- ment Program .....		3,750
SOURCE OF FUNDS:		
(1) State General Fund .....	3,750	
<hr/>		
Total Shelby County Historical Association .....	3,750	3,750
<hr/>		
47. SICKLE CELL EDUCATION PROGRAM:		
(a) East Alabama Sickle Cell .....		52,500
(b) Jefferson County Sickle Cell ..		52,500
(c) Mobile Sickle Cell .....		52,500
SOURCE OF FUNDS:		
(1) State General Fund .....	157,500	
<hr/>		
Total Sickle Cell Education Program .....	157,500	157,500
<hr/>		
48. SOUTHERN CENTER FOR INTERNATIONAL STUDIES, ANNUAL MEMBERSHIP:		
(a) Special Services Program .....		18,750

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**SOURCE OF FUNDS:**

(1) State General Fund .....	18,750	
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Total Southern Center for International Studies, Annual Membership .....	18,750	18,750
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**49. SOUTHERN CHAMPIONSHIP  
CHARITY HORSESHOW:**

(a) Tourism and Travel Promotion Program .....		3,110
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**SOURCE OF FUNDS:**

(1) State General Fund .....	3,110	
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Total Southern Championship Charity Horseshow .....	3,110	3,110
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**50. SPIRIT OF AMERICA FESTIVAL,  
INC.**

(a) Tourism and Travel Promotion Program .....		2,801
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**SOURCE OF FUNDS:**

(1) State General Fund .....	2,801	
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Total Spirit of America Festival, Inc. ....	2,801	2,801
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**51. STEER SHOW ASSOCIATION,  
ALABAMA STATE:**

(a) Agricultural Development Services Program .....		15,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	15,000	
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Total Alabama State Steer Show Association .....	15,000	15,000
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**52. TALLACOOSA HIGHLAND  
LAKES ASSOCIATION:**

(a) Tourism and Travel Promotion Program .....		5,602
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**SOURCE OF FUNDS:**

(1) State General Fund .....	5,602	
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	Total Tallapoosa Highland Lakes Association .....	5,602	5,602
<hr/>			
53.	TALLASSEEHATCHIE CREEK WATERSHED CONSERVANCY DISTRICT:		
(a)	Water Resource Development Program .....		1,237
	SOURCE OF FUNDS:		
(1)	State General Fund .....	1,237	
	<hr/>		
	Total Tallassee hatchie Creek Watershed Conservancy Dis- trict .....	1,237	1,237
	<hr/>		
54.	TENNESSEE RIVER VALLEY ASSOCIATION:		
(a)	Water Resource Development Program .....		8,708
	SOURCE OF FUNDS:		
(1)	State General Fund .....	8,708	
	<hr/>		
	Total Tennessee River Valley Association .....	8,708	8,708
	<hr/>		
55.	TENNESSEE VALLEY PUBLICITY AND IMPROVEMENT ASSOCIATION:		
(a)	Tourism and Travel Promotion Program .....		24,881
	SOURCE OF FUNDS:		
(1)	State General Fund .....	24,881	
	<hr/>		
	Total Tennessee Valley Public- ity and Improvement Associa- tion .....	24,881	24,881
	<hr/>		
56.	TERRAPIN CREEK WATERSHED CONSERVANCY DISTRICT:		
(a)	Water Resource Development Program .....		1,400
	SOURCE OF FUNDS:		
(1)	State General Fund .....	1,400	
	<hr/>		



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Total Terrapin Creek Water- shed Conservancy District .....	1,400	1,400

**57. TRAVEL COUNCIL, ALABAMA:**

(a) Tourism and Travel Promotion Program .....		40,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	40,000	

Total Alabama Travel Council	40,000	40,000

**58. TRI-RIVERS WATERWAY  
DEVELOPMENT ASSOCIATION:**

(a) Water Resource Development Program .....		16,794
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**SOURCE OF FUNDS:**

(1) State General Fund .....	16,794	

Total Tri-Rivers Waterway De- velopment Association .....	16,794	16,794

**59. VESTAVIA HILLS DOGWOOD  
FESTIVAL AND TRAIL:**

(a) Tourism and Travel Promotion Program .....		1,500
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**SOURCE OF FUNDS:**

(1) State General Fund .....	1,500	

Total Vestavia Hills Dogwood Festival and Trail .....	1,500	1,500

**60. VETERANS DAY IN ALABAMA:**

(a) Historical Resources Manage- ment Program .....		1,244
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**SOURCE OF FUNDS:**

(1) State General Fund .....	1,244	

Total Veterans Day in Alabama	1,244	1,244

**61. VETERANS DAY COMMITTEE,  
NATIONAL:**

(a) Historical Resources Management Program .....	4,358
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## SOURCE OF FUNDS:

(1) State General Fund .....	4,358
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Total National Veterans Day Committee .....	4,358	4,358
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62. W.C. HANDY PROPERTY  
BOARD:

(a) Historical Resources Management Program .....	15,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	15,000
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Total W.C. Handy Property Board .....	15,000	15,000
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## 63. Y.M.C.A. YOUTH LEGISLATURE:

(a) Special Services Program .....	11,250
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## SOURCE OF FUNDS:

(1) State General Fund .....	11,250
------------------------------	--------

Total Y.M.C.A. Youth Legislature .....	11,250	11,250
--	--------	--------

64. SIMPSON-MAY CEREBRAL  
PALSY CENTER:

(a) Special Services Program .....	35,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	35,000
------------------------------	--------

Total Simpson-May Cerebral Palsy Center .....	35,000	35,000
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## 65. ELYTON RECOVERY CENTER:

(a) Non-Institutional Treatment and Care Program .....	100,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	100,000
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Total Elyton Recovery Center .....	100,000	100,000
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66. ALABAMA COAL MINING  
MUSEUM, INC:

(a) Tourism and Travel Promotion Program .....	25,000
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SOURCE OF FUNDS:

(1) State General Fund .....	25,000
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Total Alabama Coal Mining Museum, Inc. ....	25,000	25,000
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67. POP WARNER NATIONAL  
BOWL:

(a) Tourism and Travel Promotion Program .....	20,000
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SOURCE OF FUNDS:

(1) State General Fund .....	20,000
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Total Pop Warner National Bowl .....	20,000	20,000
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68. HIGH TECHNOLOGY  
ECONOMIC DEVELOPMENT  
FOUNDATION, INC.:

50,000

SOURCE OF FUNDS:

(1) State General Fund .....	50,000
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Total High Technology Eco- nomic Development Founda- tion, Inc. ....	50,000	50,000
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69. GEORGE LINDSEY CELEBRITY  
BENEFIT, INC.:

(a) Tourism and Travel Promotion Program .....	7,500
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SOURCE OF FUNDS:

(1) State General Fund .....	7,500
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Total George Lindsey Celebrity Benefit, Inc. ....	7,500	7,500
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F. DEBT SERVICE FUNDED FROM  
THE STATE GENERAL FUND:

1. General Obligation Capital

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Improvement Bonds, Series A and B, Estimated .....		1,371,308
SOURCE OF FUNDS:		
(1) State General Fund-Transfer .....	1,371,308	
<hr/>		
Total General Obligation Capital Improvement Bonds, Series A and B, Estimated .....		1,371,308
		<hr/>
2. General Obligation Coosa Waterway Bonds, Series A and B, Estimated ..		1,020,797
SOURCE OF FUNDS:		
(1) State General Fund-Transfer .....	1,020,797	
<hr/>		
Total General Obligation Coosa Waterway Bonds, Series A and B, Estimated .....		1,020,797
		<hr/>
3. General Obligation Docks Facilities Bonds, Series A-C, Estimated .....		4,405,100
SOURCE OF FUNDS:		
(1) State General Fund-Transfer .....	4,405,100	
<hr/>		
Total General Obligation Docks Facilities Bonds, Series A-C, Estimated .....		4,405,100
		<hr/>
4. Inland Waterway Improvement Bonds, Series A, Estimated .....		179,912
SOURCE OF FUNDS:		
(1) State General Fund-Transfer .....	179,912	
<hr/>		
Total Inland Waterway Improvement Bonds, Series A, Estimated .....		179,912
		<hr/>
5. Tennessee-Tombigbee Waterway Bonds, Series A-D, Estimated .....		4,163,661
SOURCE OF FUNDS:		
(1) State General Fund-Transfer Estimated pursu-		

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ant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session	4,163,661
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Total Tennessee-Tombigbee Waterway Bonds, Series A-D, Estimated .....	4,163,661	4,163,661
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6. Corrections Institution Bonds, Estimated .....	1,054,062
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SOURCE OF FUNDS:

(1) State General Fund- Transfer, Estimated .....	1,054,062
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Pursuant to Constitutional  
Amendment No. 374 as  
provided for in Act No.  
134, 1978 Second Special  
Session.

Total Corrections Institution Bonds, Estimated .....	1,054,062	1,054,062
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7. General Obligation Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated .....	55,309,820
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SOURCE OF FUNDS:

(1) State General Fund- Transfer, Estimated .....	55,309,820
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Total General Obligation Bonds, 1982, Series A and B, and General Obligation Re- funding Bonds, 1983, Series A and B, Estimated .....	55,309,820	55,309,820
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Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be sub-

ject to the terms, conditions, provisions and limitations of Title 41, Chapter 4, Article 4, Sections 80-96, 1975 Code of Alabama and the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended.

Section 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by the Code of Alabama 1975, §41-5-24.

Section 6. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 7. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 8. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 9. That this Act shall become effective October 1, 1983.

Senator Goodwin offered the following amendment to the substitute for the Bill, H.B. 236, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR H. B. 236

On page 53, line 30, delete "401,648,544 and substitute in lieu thereof: 399,548,544

On page 54, line 11, delete "96,545,278" and substitute in lieu thereof: 94,445,278

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On page 54, line 18, delete "96,545,278 305,103,266 401,648,544" and substitute in lieu thereof:

94,445,278 305,103,266 399,548,544

On page 54, line 21, delete "68,219,891" and substitute in lieu thereof:  
71,313,632

On page 54, line 24, delete "55,034,437" and substitute in lieu thereof:  
57,530,339

On page 54, line 26, delete "2,788,372" and substitute in lieu thereof:  
2,751,843

On page 54, line 28, delete "12,312,541" and substitute in lieu thereof:  
12,151,237

On page 54, line 30, delete "3,774,313" and substitute in lieu thereof:  
3,724,866

On page 55, line 21, strike language beginning with the word "Of." After line 21 add the following:

(g) Alcohol and Drug Abuse Program . . . . .

Of the appropriation made to the Department of Mental Health, there shall be at least 4,737,116 expended for the treatment of, rehabilitation for and education on alcohol and drug abuse.

(h) State Personnel Department Transfer . . . . .

The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of 256,665.

On page 55, line 36, delete "93,585,167" and substitute in lieu thereof:  
95,685,167

On page 56, line 19, delete "2,000,000" and substitute in lieu thereof:  
5,000,000

On page 56, line 23, delete "160,629,554 160,629,554" and substitute in lieu thereof:

165,729,554 165,729,554

On page 61, line 7, delete "68,834,437" and substitute in lieu thereof:  
71,834,437

On page 61, line 19, delete "2,000,000" and substitute in lieu thereof:  
5,000,000

On page 61, line 33, delete "234,693,253 234,693,253" and substitute in lieu thereof:

237,693,253 237,693,253

On page 62, line 5, delete "1,830,727" and substitute in lieu thereof:  
1,710,775

On page 65, line 23, delete "376,617" and substitute in lieu thereof:

256,665

On page 67, line 27, delete "1,830,727 1,830,727" and substitute in lieu thereof:

1,710,775 1,710,775

On page 90, line 22, delete "33,000,000" and substitute in lieu thereof:

35,100,000

On page 90, line 25, delete "33,000,000" and substitute in lieu thereof:

35,100,000

On page 90, line 27, delete "33,000,000 33,000,000" and substitute in lieu thereof:

35,100,000 35,100,000

On motion of Senator Mitchem, said amendment was laid on the table.

Senator Mitchem then offered the following amendment to the substitute for the Bill, H. B. 236, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR H. B. 236

Amend substitute for House Bill 236 on page 116, after line 21 by inserting a new Section 6 as follows, and by renumbering the remaining sections accordingly:

"Section 6. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, any interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor."

Further amend substitute for House Bill 236 on page 36, after line 25 by inserting the following:

"The appropriation to the Foreign Trade Relations Commission shall include a transfer to the State Personnel Department of \$126."

Which was adopted.

And said substitute, as amended, was then adopted.

Yeas 27; Nays 1.

Yeas:

Senators:	Bishop	Goodwin	Mitchell	
Aldridge	Boyington	Harrison	Mitchum	
Amari	Cabaniss	Hilliard	Parsons	
Bailey	Cooley	Keener	Pearson	
Barron	Covington	Kirkland	Proctor	
Bedford	Denton	Little	Smith (B)	
Bedsole	Dixon	Menton	Teague	—27

Nay: Senator Robertson

—1

And said Bill, H. B. 236, as thus amended by the substitute, as amended, was read a third time at length and passed.

Yeas 30; Nays 1.



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Yeas:

Senators:	Cooley	Harrison	Mitchum
Aldridge	Corbett	Hilliard	Parsons
Amari	Covington	Holmes	Pearson
Bailey	Denton	Keener	Proctor
Bedford	Dixon	Kirkland	Smith (B)
Bedsole	Figures	Little	Smith (J)
Bishop	Foshee	Menton	Teague
Cabaniss	Goodwin	Mitchell	

—30

Nay: Senator Robertson

—1

RESOLUTIONS

Senators Hilliard, Menton, Figures, Boyington, and Bedsole offered the following Senate Resolution, to-wit:

S. R. 323. URGING THE SECRETARY OF THE NAVY TO DESIGNATE THE PORT OF MOBILE AS THE HOME PORT FOR A NEW CARRIER BATTLE GROUP.

Which was adopted.

Senator Bedsole offered the following Senate Resolution, to-wit:

S. R. 324. URGING THE VARIOUS STATE DEPARTMENT AND AGENCY HEADS TO REQUIRE THAT GASOLINE PURCHASED BY STATE EMPLOYEES AND OFFICIALS FOR STATE-OWNED VEHICLES AND/OR FOR REIMBURSEMENT BY THE STATE, BE PURCHASED AT SELF-SERVICE PUMPS.

Which was adopted.

FURTHER CONSIDERATION OF H. B. 534

The Senate proceeded to further consideration of the Bill, H. B. 534.

Senator Goodwin offered the following amendment to the Bill, H.B. 534, to-wit:

AMENDMENT TO H. B. 534

Amend H. B. 534, Page 3, Line 31 following the word "Alabama" by adding the following language:

"but limited to states that do not provide for reciprocity with Alabama relative to payment of sales tax and foreign countries outside the Continental United States."

Further amend H. B. 534, Page 5, Line 9 following the word "Alabama" by adding the following language:

"but limited to states that do not provide for reciprocity with Alabama relative to payment of sales tax and foreign countries outside the Continental United States."

Further amend H. B. 534, Page 9, Line 10, following the word "Alabama" by adding the following language:

"but limited to states that do not provide for reciprocity with Alabama relative to payment of sales tax and foreign countries outside the Continental United States."

On motion of Senator deGraffenried, said amendment was laid on the table.

And said Bill, H. B. 534, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Covington	Harrison	Mitchell
Aldridge	deGraffenried	Holmes	Parsons
Amari	Denton	Keener	Robertson
Bachus	Dixon	Kirkland	Smith (B)
Bedsole	Figures	Little	Smith (J)
Cabaniss	Foshee	Menton	Teague
Cooley	Goodwin		

—25

*Nays:*

—0

### FURTHER CONSIDERATION OF H. B. 535

The Senate proceeded to further consideration of the Bill, H. B. 535.

Senator Goodwin offered the following amendment to the Bill, H.B. 535, to-wit:

### AMENDMENT TO H. B. 535

Amend H. B. 535, Page 5, Line 33 following the word "Alabama" by adding the following language:

"but limited to states that do not provide for reciprocity with Alabama relative to payment of use tax and foreign countries outside the Continental United States."

On motion of Senator Kirkland, said amendment was laid on the table.

And said Bill, H. B. 535, was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Mitchem
Aldridge	Cooley	Harrison	Parsons
Amari	Covington	Holmes	Pearson
Bachus	deGraffenried	Keener	Smith (B)
Bailey	Denton	Kirkland	Smith (J)
Bedsole	Dixon	Menton	Teague
Boyington	Foshee	Mitchell	

—26

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 264. To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Sec-

tion 32-6-19 relating to Driving While Revoked; and to allow municipal courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9, and to provide that any person arrested for violating the provisions of this act shall not be released from jail under bond or otherwise, until there is less than the same percent by weight of alcohol in his blood as specified in Section 32-5A-191(a)(1).

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF H. B. 370

The Senate proceeded to further consideration of the Bill, H. B. 370.

Senator Kirkland moved that further consideration of the Bill, H. B. 370, be postponed subject to the call of the Chair.

Senator Keener moved that said motion to postpone be laid on the table, which motion was lost.

Yeas 13; Nays 17.

*Yeas:*

Senators:	Bedsole	Covington	Keener
Amari	Bishop	Dixon	Little
Bachus	Boyington	Hilliard	Smith (B)
Barron	Cabaniss		

—13

*Nays:*

Senators:	Denton	Holmes	Proctor
Aldridge	Figures	Kirkland	Robertson
Bailey	Foshee	Mitchell	Smith (J)
Bedford	Goodwin	Pearson	Teague
Cooley	Harrison		

—17

The question then recurred on the motion of Senator Kirkland that further consideration of the Bill, H. B. 370, be postponed subject to the call of the Chair, which motion was adopted.

### FURTHER CONSIDERATION OF H. B. 245

The Senate proceeded to further consideration of the Bill, H. B. 245, as amended by the substitute, as amended.

Senator Teague offered the following amendment to the Bill, H. B. 245, as amended, to-wit:

### AMENDMENT TO H. B. 245, AS AMENDED

Amend House Bill 245 on page 14, line 8 by striking the figure "1,069,100" and inserting in lieu thereof the figure "944,100"; and on page 14, lines 20 & 23 by striking the figure "4,069,100" and inserting in lieu thereof the figure "3,944,100"; and on page 14, line 23 by striking the figure

"6,160,803" and inserting in lieu thereof the figure "6,035,803".

Further amend House Bill 245 on page 51, after line 34 by inserting the following:

**"SECTION 5.**

A. Paramedic Training at Trenholm State  
Technical College ..... 125,000

**SOURCE OF FUNDS:**

(1) ASETF ..... 125,000

Total Paramedic Training  
at Trenholm State Tech-  
nical College .....

125,000

125,000"

Which was adopted.

Yeas 18; Nays 8.

**Yeas:**

Senators:	Corbett	Harrison	Mitchem	
Aldridge	Covington	Holmes	Robertson	
Bailey	Denton	Keener	Smith (B)	
Bishop	Dixon	Kirkland	Teague	
Cooley	Foshee	Mitchell		—18

**Nays:**

Senators:	Barron	Bedsole	Little	
Amari	Bedford	Cabaniss	Proctor	
Bachus				—8

Senator Foshee offered the following amendment to the Bill, H. B. 245, as amended by the substitute, as amended, to-wit:

**AMENDMENT TO H. B. 245, AS AMENDED**

Amend House Bill 245 on page 16, lines 9-14 by striking them in their entirety and inserting in lieu thereof the following:

"Junior Colleges listed in this appropriation Junior Colleges with credit producing programs in Alabama"

On motion of Senator Bailey, said amendment was laid on the table.

And said Bill, H. B. 245, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 35; Nays 0.

**Yeas:**

Senators:	Bishop	Dixon	Kirkland
Aldridge	Boyington	Figures	Little
Amari	Cabaniss	Foshee	Menton
Bachus	Cooley	Goodwin	Mitchell
Bailey	Corbett	Harrison	Mitchem
Barron	Covington	Hilliard	Parsons
Bedford	deGraffenried	Holmes	Pearson
Bedsole	Denton	Keener	Proctor

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Robertson	Smith (B)	Smith (J)	Teague	—35
Nays:				—0

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 534. To further amend Section 40-23-1, Alabama Code, 1975, as amended, which Section contains various definitions applicable to the Alabama Sales Tax, so as to clarify, and remove ambiguity from, the definitions of "gross proceeds of sales", "gross receipts" and "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 535. To amend Section 40-23-60, Alabama Code, 1975, which Section contains various definitions applicable to the Alabama Use Tax, so as to clarify, and remove ambiguity from, the definitions of "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF H. B. 370**

The Senate proceeded to further consideration of the Bill, H. B. 370.

Senator Foshee offered the following amendment to the Bill, H. B. 370, to-wit:

**SENATE AMENDMENT TO H. B. 370**

Amend H. B. 370 on page 2, line 16, by striking the following language:

"provided however, that nothing in this Act shall be construed to authorize or permit any bank organized under the laws of the State of Alabama to engage in the business of insurance other than now permitted as credit life insurance, or as presently authorized under state law:

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the amendment to the bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

**FURTHER CONSIDERATION OF H. B. 370**

The Senate proceeded to further consideration of the Bill, H. B. 370. The question was on the amendment offered by Senator Foshee.

**RETURN OF BILL REQUESTED**

Senator Teague moved that the Secretary be directed to request the return from the House of the Bill, H. B. 287, for further consideration, which motion was adopted, and the Secretary was so directed.

**MOTION TO ADJOURN**

Senator Denton moved that when the Senate adjourns today, it adjourn to meet again on Monday, August 1, 1983, at 10 o'clock A.M., which motion was adopted.

**FURTHER CONSIDERATION OF H. B. 370**

The Senate proceeded to further consideration of the Bill, H. B. 370. The question was on the amendment offered by Senator Foshee.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 377. Relating to Mobile County; providing that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Mobile County; providing for permits or licenses, applications, forms and contents to operate bingo, providing for special permits or licenses, prohibiting certain activities and imposing special requirements; providing for fees and

expenses; providing for the disposition of proceeds; providing for the operation of bingo; providing for the keeping of records and their inspection; providing for the issuance and revocation of permits or licenses; providing for supervision by the circuit court; providing for certain powers and duties of the sheriff; providing for penalties and forfeitures; and providing that this Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Mobile County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Mobile County, no further referendum is needed.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Menton, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 377, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE AMENDMENT TO S. B. 377

On page one in line 16 after the semicolon add the following:

grandfathering in certain non-profit organizations which have had public bingo games over a certain period and proposing a location for any future bingo or other gaming operations;

On page 3 in line 8 after "county" add: only in that area commonly referred to as "the Mobile Causeway"

On page 10 after line 26 add the following new Section 19 and renumber subsequent sections accordingly as follows:

Section 19. Any non-profit organization which is charitable, educational or otherwise lawful which has publicly operated bingo games on a weekly or monthly basis for three or more years prior to the ratification of a constitutional amendment authorizing bingo within Mobile County shall be exempt from complying with the provisions of this act but shall be considered lawful wherever located and all past actions are hereby ratified and approved.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Harrison	Mitchem
Aldridge	Covington	Holmes	Parsons
Amari	Denton	Keener	Proctor
Barron	Dixon	Kirkland	Smith (B)
Bedford	Figures	Little	Smith (J)
Bedsole	Foshee	Menton	Teague
Boyington	Goodwin		

—25

Nays:

—0

#### FURTHER CONSIDERATION OF H. B. 370

The Senate proceeded to further consideration of the Bill, H. B. 370. The question was on the amendment offered by Senator Foshee.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 252. To amend Section 32-7-4, Code of Alabama 1975, so as to adjust the amount collected by the Director of Public Safety for a driver's operating record from \$2.00 to \$4.00.

Also:

H. 260. To amend Section 40-23-50, Code of Alabama 1975, so as to delete the exemption from payment of contractors gross receipts tax which is allowed when a municipality or a county is a joint party with the state in a contract to construct, reconstruct or build any public highway, road, bridge or street; and to clarify the definition of "gross receipts" as applied to such contracts.

Also:

H. 578. To amend further Code of Alabama 1975, § 32-5-313, relating to a penalty for a traffic infraction so as to increase the amount of the penalty and provide that the additional amount to be used to fund courses of instruction in the driving of trucks.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF H. B. 370**

The Senate proceeded to further consideration of the Bill, H. B. 370. The question was on the amendment offered by Senator Foshee.

**BILL RECONSIDERED**

On motion of Senator Teague, the Senate reconsidered the vote by which the Bill, H. B. 287, was passed.

On motion of Senator Teague, the Senate reconsidered the vote by which the Bill, H. B. 287, was ordered to its third reading.

Senator Teague then offered the following substitute for the Bill, H. B. 287, to-wit:

**SENATE SUBSTITUTE FOR H. B. 287****A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which



the tax liability accrues.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-21-85, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-21-85. The provisions of this article shall be administered and the tax herein levied shall be collected in accordance with the procedures set forth in division 1 of article 1 of chapter 23 of this title, for administering and collecting the tax therein levied, and for such purposes there are hereby incorporated into this article by reference the provisions of Sections 40-23-7 40-23-8 through 40-23-23, 40-23-25 and 40-23-27 through 40-23-32, together with the definitions applicable to said sections contained in Section 40-23-1; provided, that in the event of the repeal of such division, such repeal shall not operate to eliminate the tax collection procedures contained therein to the extent they are incorporated in this article by reference, unless the legislation providing for such repeal shall clearly indicate such a result. The taxes herein levied shall be due and payable as follows:

"(1) Any taxpayer liable for taxes under the provisions of this division whose average monthly tax liability was less than \$10,000 during the preceding calendar year shall remit such taxes in accordance with Section 40-23-7.

"(2) Any taxpayer liable for taxes under the provisions of this division whose average monthly tax liability was \$10,000 or greater during the preceding calendar year shall make estimated payments to the revenue department on or before the 20th day of the month in which the liability occurred.

"(a) The amounts of the payment shall be at least equal to the taxpayer's actual tax liability for the same calendar month of the preceding year.

"(b) Any outstanding credit or deficit arising from the taxpayer's overpayment or underpayment of its final liability shall be applied to either increase or reduce, as the case may be, that month's final tax liability which shall be reported and paid not later than the 20th of the month next succeeding the month in which the tax accrues. The provisions of Section 40-23-7 shall apply to the filing of the monthly tax liability report."

(c) In those instances where a taxpayer due to divestiture compliance with a lawful order of a court of competent jurisdiction, or the sale of a portion of the business on which said tax is applicable, where such divestiture compliance or sale reduces the gross revenues of the taxpayer, the Commissioner of Revenue shall determine for a period of twelve (12) months following such divestiture compliance or sale the monthly estimated tax liability and shall consider among others, the financial historical data and the percentage of divestiture or sale of said business of the taxpayer. Following the twelve (12) month period, taxes shall be remitted in accordance with Section 1, (2), (b).

(d) In those instances where there is no preceding calendar year for purposes of determining the tax liability of any taxpayer, the Commissioner of Revenue shall determine for a period of twelve (12) months the monthly estimated tax liability for the taxpayer. Following the twelve (12) month period, taxes shall be remitted in accordance with Section (1), (2), (b).

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration does not affect the part which remains.

Section 4. This Act shall become effective October 1, 1983.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Kirkland	Robertson	
Aldridge	Cooley	Little	Smith (B)	
Bachus	Covington	Menton	Smith (J)	
Barron	Goodwin	Mitchem	Teague	
Bishop	Harrison	Proctor		—18

Nays: —0

And said Bill, H. B. 287, as thus amended by the substitute, was again read a third time at length and passed.

Yeas 21; Nays 2.

Yeas:

Senators:	deGraffenried	Kirkland	Proctor	
Aldridge	Dixon	Little	Robertson	
Bedford	Figures	Menton	Smith (B)	
Bedsole	Foshee	Mitchem	Smith (J)	
Cooley	Harrison	Pearson	Teague	
Covington	Keener			—21

Nays:

Senators: Bachus and Cabaniss —2

### ADJOURNMENT MOTION RECONSIDERED

On motion of Senator Foshee, the Senate reconsidered the vote by which it adopted the motion that when it adjourns today, it adjourn to meet again on Monday, August 1, 1983, at 10 o'clock A.M.

Senator Foshee then moved that when the Senate adjourns today, it adjourn to meet again on Monday, August 1, 1983, at 8:30 A.M., which motion was lost.

### FURTHER CONSIDERATION OF H. B. 370

The Senate proceeded to further consideration of the Bill, H. B. 370. The question was on the amendment offered by Senator Foshee.

On motion of Senator Foshee, further consideration of the Bill, H. B. 370 and pending amendment, was postponed until the Thirtieth Legislative Day as Unfinished Business.

### RESOLUTIONS

Senator Little offered the following Senate Resolution, to-wit:

S. R. 325. MOURNING THE DEATH OF MR. FLOYD SIMMIE BURDETTE, JR., OF OPELIKA, ALABAMA.

Which was adopted.

Senators Bailey and Corbett offered the following Senate Joint Resolution, to-wit:

S. J. R. 326. COMMENDING AND HONORING JACK M. POWELL, DEAN OF STUDENTS AT SPARKS STATE TECHNICAL COLLEGE, UPON HIS RETIREMENT.

WHEREAS, Jack M. Powell's retirement as Dean of Students at Sparks State Technical College on August 6, 1983, will bring to a close a 37-year career of distinguished service to the educational system of this state; and

WHEREAS, Jack M. Powell captained the Auburn University basketball team under the late Coach Shug Jordon in the early 1940's and began a very successful high school and college basketball coaching career at Covington County High School in 1943: and

WHEREAS, during his coaching career Jack Powell compiled the enviable record of 489 wins against only 264 losses including a state championship at Eufaula High School in 1953 and recognition as small college Coach of the Year while at Livingston University; and

WHEREAS, Coach Powell's educational career is most noteworthy in the personal and individual concern he displayed for his students and fellow faculty members as he was selected Outstanding Faculty Member while at Livingston University; and

WHEREAS, Jack M. Powell has always been deeply involved in community affairs and community service as exemplified by his having served as President of Eufaula's United Way and his being honored as Eufaula's Citizen of the Year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend and honor Jack M. Powell, Dean of Students at Sparks State Technical College, upon his retirement from a distinguished career of service to the educational community of this state.

RESOLVED FURTHER, That Coach Powell receive a copy of this resolution in expression of our gratitude and praise, and of our best wishes for continuing success in all his endeavors.

Which was read and referred to the Standing Committee on Rules.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Hubert Bruister to University of South Alabama Board of Trustees.

On motion of Senator Robertson, the appointment of Mr. Bruister was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Bachus	Barron	Bedsole
Aldridge	Bailey	Bedford	Bishop

Cooley	Foshee	Menton	Robertson	
Covington	Goodwin	Mitchell	Teague	—18
Figures	Kirkland	Parsons		
Nays:				—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. R. R. Johnston to Livingston State University Board of Trustees.

On motion of Senator Robertson, the appointment of Mr. Johnston was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Mitchell	
Aldridge	Cooley	Harrison	Mitchem	
Bachus	Covington	Holmes	Parsons	
Bailey	Dixon	Kirkland	Robertson	
Barron	Figures	Little	Smith (J)	
Bedsole	Foshee	Menton	Teague	—23

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Mollie Stewart to Livingston State University Board of Trustees

On motion of Senator Robertson, the appointment of Mrs. Stewart was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Senators:	Bishop	Harrison	Mitchem	
Aldridge	Covington	Holmes	Parsons	
Bachus	Dixon	Kirkland	Robertson	
Bailey	Foshee	Little	Smith (J)	
Bedsole	Goodwin	Mitchell	Teague	—19

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Charles E. Carmichael, Jr., to University of Montevallo Board of Trustees.

On motion of Senator Kirkland, the appointment of Mrs. Carmichael was confirmed by the Senate.

Yeas 19; Nays 0.

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*Yeas:*

<b>Senators:</b>	<b>Cooley</b>	<b>Holmes</b>	<b>Mitchem</b>	
<b>Bailey</b>	<b>Covington</b>	<b>Kirkland</b>	<b>Parsons</b>	
<b>Bedford</b>	<b>Foshee</b>	<b>Little</b>	<b>Robertson</b>	
<b>Bedsole</b>	<b>Goodwin</b>	<b>Menton</b>	<b>Smith (J)</b>	
<b>Bishop</b>	<b>Harrison</b>	<b>Mitchell</b>	<b>Teague</b>	<b>—19</b>

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Elgin Smilie to University of Montevallo Board of Trustees.

On motion of Senator Aldridge, the appointment of Mrs. Smilie was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

<b>Senators:</b>	<b>Bishop</b>	<b>Goodwin</b>	<b>Mitchell</b>	
<b>Aldridge</b>	<b>Cooley</b>	<b>Harrison</b>	<b>Mitchem</b>	
<b>Bachus</b>	<b>Corbett</b>	<b>Holmes</b>	<b>Robertson</b>	
<b>Bailey</b>	<b>Covington</b>	<b>Little</b>	<b>Smith (J)</b>	
<b>Bedford</b>	<b>Foshee</b>	<b>Menton</b>	<b>Teague</b>	<b>—19</b>

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Joe Gallo to the State Board of Polygraph Examiners

On motion of Senator Aldridge, the appointment of Mr. Gallo was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

<b>Senators:</b>	<b>Bedsole</b>	<b>Goodwin</b>	<b>Mitchem</b>	
<b>Aldridge</b>	<b>Bishop</b>	<b>Harrison</b>	<b>Parsons</b>	
<b>Bailey</b>	<b>Corbett</b>	<b>Holmes</b>	<b>Smith (J)</b>	
<b>Barron</b>	<b>Covington</b>	<b>Menton</b>	<b>Teague</b>	
<b>Bedford</b>	<b>Foshee</b>	<b>Mitchell</b>		<b>—18</b>

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Michael B. Sullivan to the State Board of Polygraph Examiners.

On motion of Senator Aldridge, the appointment of Mr. Sullivan was

confirmed by the Senate.

Yeas 20; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Mitchell	
Aldridge	Bishop	Goodwin	Mitchem	
Amari	Corbett	Harrison	Parsons	
Bailey	Covington	Holmes	Smith (J)	
Barron	Dixon	Menton	Teague	
Bedford				—20

*Nays:*

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Walter Clark to the Alabama State Board of Podiatry

On motion of Senator Aldridge, the appointment of Dr. Clark was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Barron	Foshee	Mitchem	
Aldridge	Bedsole	Goodwin	Parsons	
Amari	Bishop	Harrison	Robertson	
Bachus	Corbett	Kirkland	Smith (J)	
Bailey	Covington	Menton	Teague	—19

*Nays:*

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel Marvin K. Speigner to the position of Assistant Adjutant General, Army, effective June 3, 1975

On motion of Senator Aldridge, the appointment of Colonel Speigner as Assistant Adjutant General, Army, was confirmed by the Senate.

Yeas 22; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Mitchell	
Aldridge	Bishop	Goodwin	Mitchem	
Amari	Cooley	Harrison	Parsons	
Bachus	Corbett	Kirkland	Robertson	
Bailey	Covington	Little	Teague	
Barron	Dixon	Menton		—22

*Nays:*

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a

favorable report, to-wit:

Appointment of Mr. Eddie G. Player to Alabama A & M University Board of Trustees

On motion of Senator Aldridge, the appointment of Mr. Player was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Menton
Aldridge	Cooley	Goodwin	Mitchell
Bachus	Corbett	Holmes	Parsons
Bailey	deGraffenried	Kirkland	Robertson
Barron	Dixon	Little	Teague
Bedsole			

—20

Nays: —0

## REPORT OF COMMITTEE ON RULES

Mr. President Pro Tem:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 377. Relating to Mobile County; providing that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Mobile County; grandfathering in certain non-profit organizations which have had public bingo games over a certain period and proposing a location for any future bingo or other gaming operations; providing for permits or licenses, applications, forms and contents to operate bingo, providing for special permits or licenses, prohibiting certain activities and imposing special requirements; providing for fees and expenses; providing for the disposition of proceeds; providing for the operation of bingo; providing for the keeping of records and their inspection; providing for the issuance and revocation of permits or licenses; providing for supervision by the circuit court; providing for certain powers and duties of the sheriff; providing for penalties and forfeitures; and providing that this Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Mobile County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Mobile County, no further referendum is needed.

CHARLES BISHOP,  
Chairperson.

## SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 236. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Reps. Coburn, Casey and Holley.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 236, the title of which is set out in the foregoing Message from the House.

Yeas 21; Nays 0.

Yeas:

Senators:	Bishop	Harrison	Mitchem
Aldridge	Cooley	Holmes	Parsons
Amari	Corbett	Little	Robertson
Bailey	deGraffenried	Menton	Smith (J)
Barron	Dixon	Mitchell	Teague
Bedsale	Foshee		

—21

Nays:

—0

And the President Pro Tempore of the Senate appointed as Committee on the part of the Senate Senators Mitchem, Bishop, and Denton.

**MOTION TO ADJOURN**

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Monday, August 1, 1983, at 8:31 A.M., which motion was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 245. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

JOHN W. PEMBERTON,  
Clerk.



MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution, and returns same herewith to the Senate:

S. J. R. 256. CREATING A PERMANENT JOINT COMMITTEE TO STUDY OIL AND GAS, TO BE CALLED THE "ALABAMA OIL AND GAS STUDY COMMITTEE," EFFECTIVE JANUARY 1, 1984.

JOHN W. PEMBERTON,  
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 299. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Mitchell
Aldridge	Corbett	Harrison	Mitchem
Amari	Covington	Holmes	Parsons
Bachus	deGraffenried	Kirkland	Robertson
Barron	Dixon	Little	Smith (J)
Bedsole	Foshee	Menton	Teague
Bishop			—24

Nays: —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 327. RESOLVED BY THE SENATE That the following bills will be the paramount and continuing order and taking precedence over any and all other business of the Senate until disposed of:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 494	Funeral Service Lic. Services	15
H. B. 301	Exempt Fishing Lic. Over 65	47
H. B. 826	Revenue Sharing	43
H. B. 56	Children Trust Fund	40
H. B. 57	Child Abuse	20
H. B. 509	Annual License Fees	33
H. B. 149	Legalized Beer Tax	135

On motion of Senator Bishop, the Resolution was adopted by the Senate.

**SPECIAL ORDER****BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the next special, paramount, and continuing order of business for today, the first of which was the Bill:

**H. 494.** To amend Sections 34-13-1, 34-13-4, 34-13-20, 34-13-22, 34-13-53, 34-13-72, 34-13-92 and 34-13-111, Code of Alabama 1975, relating to funeral services, board of funeral services licensees and funeral establishments, so as to further provide for the definitions of apprentice embalmers, distributions of the rules and regulations, composition, qualifications and terms of the board of funeral services, quorum, licensees and matters of record, qualifications of applicants for examination and inspections of funeral establishments and to provide for its retroactive effect.

**MOTION TO ADJOURN LOST**

At 11:05 P.M., Senator Harrison moved that the Senate adjourn until Monday, August 1, 1983, at 8:30 A.M., which motion was lost.

**FURTHER CONSIDERATION OF H. B. 494**

The Senate proceeded to further consideration of the Bill, H. B. 494.

And said Bill, H. B. 494, was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Cooley	Foshee	Mitchell	
Aldridge	Corbett	Harrison	Pearson	
Bachus	Covington	Kirkland	Robertson	
Bailey	deGraffenried	Little	Teague	
Bishop	Dixon	Menton		—18

*Nays:*

—0

**BILLS ON THIRD READING RESUMED**

The Bill:

**H. 301.** To amend Section 9-11-53, Code of Alabama 1975, relating to annual resident fishing licenses, so as to delete the requirement of said licenses for residents of this state over 65 years of age and to require in place thereof proof of age and permanent residence to be on said persons while fishing.

was read a third time at length and passed.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Cooley	Foshee	Mitchell	
Aldridge	Corbett	Goodwin	Parsons	
Bachus	Covington	Kirkland	Pearson	
Bailey	deGraffenried	Little	Robertson	
Bishop	Dixon	Menton	Teague	—19

*Nays:*

—0

The Bill:

H. 826. To make an absolute appropriation from the State General Fund out of funds now or to become available to the named recipients in the amount indicated for the fiscal year ending September 30, 1983.

was taken up.

Senator Little offered the following substitute for the Bill, H. B. 826, to-wit:

**SUBSTITUTE FOR H. B. 826**

**A BILL  
TO BE ENTITLED  
AN ACT**

To make an absolute appropriation from Revenue Sharing Funds to the named recipients in the amount indicated for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made, there is hereby appropriated from the Revenue Sharing funds the following amounts to the agencies and/or programs indicated for the fiscal year ending September 30, 1983:

Department of Education for Direct

Client Services for the Handicapped to be distributed as follows:

a. Crippled Children Services Program. \$358,060

b. Homebound Program \$200,000

Public Safety, Department of

a. Traffic Control and Accident Prevention Program \$200,000

Civil Defense, Department of

a. Readiness and Recovery Program \$50,000

Section 2. The Legislature hereby declares these appropriations to be non-proratable and absolute.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Harrison	Mitchem
Aldridge	Covington	Kirkland	Parsons
Bachus	deGraffenried	Little	Pearson
Bailey	Foshee	Menton	Teague
Cooley	Goodwin	Mitchell	

Nays:

—0

And said Bill, H. B. 826, as thus amended by the substitute, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchell	
Bachus	Covington	Harrison	Mitchem	
Bailey	deGraffenried	Kirkland	Robertson	
Bedsole	Dixon	Little	Teague	
Cooley	Foshee	Menton		—18

Nays:

—0

The Bill:

H. 56. To establish the children's trust fund in the state treasury for the primary purpose of encouraging the direct provision of services to prevent child abuse and neglect and to provide for the continuous appropriation of moneys in such fund; to authorize and provide for voluntary contributions to such fund by means of an income tax checkoff and to prescribe certain duties for the state revenue department and the state treasurer in connection with such checkoff contributions; to provide for reimbursing the revenue department for the additional cost of collecting and handling such contributions; to provide for terminating the voluntary contributions when the trust fund reaches a certain amount; to regulate the use of the trust fund; to provide that the child abuse and neglect prevention board shall have access to and control over the fund and shall supervise and control the use of the assets of the fund; and to prescribe the effective date of this act.

was taken up.

Senator Mitchem offered the following substitute for the Bill, H. B. 56, to-wit:

### SUBSTITUTE FOR H. B. 56

#### A BILL TO BE ENTITLED AN ACT

To create and establish the state child abuse and neglect prevention advisory board; to prescribe the purpose of and the authority, powers and duties of such advisory board, specifically to place certain duties relative to the children's trust fund in the state treasury on the child abuse and neglect prevention advisory board and to prescribe criteria for determining when and how much money from such fund shall be made available to local organizations for use in the prevention of child abuse and neglect; and to place additional duties and confer additional powers and authority on certain state departments.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the "Child Abuse and Neglect Prevention Act of 1983."

Section 2. (a) As used in this act, the following words and phrases shall have the meanings herein ascribed to them:

(1) "Child" means a person under 18 years of age.

(2) "Child abuse" means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare, which harm occurs or is threatened through nonaccidental physical or mental injury; sexual abuse, which includes a violation of any provision of Chapter 6, Article 4, Title 13A, Code of Alabama 1975.

(3) "Local council" means an organization which meets the criteria described in Section 10.

(4) "Neglect" means harm to a child's health or welfare by a person responsible for the child's health or welfare which occurs through negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care.

(5) "Department" means the state department of pensions and security.

(6) "State board" means the state child abuse and neglect prevention advisory board created in Section 3.

(7) "Prevention program" means a system of direct provision of child abuse and neglect prevention services to a child, parent, or guardian.

(8) "Trust fund" means the children's trust fund established in the state treasury.

Section 3. (a) The state child abuse and neglect prevention advisory board is created as an advisory board to the department in the operation of the state child abuse and neglect prevention program.

(b) The state board shall be composed of the following 13 members:

(1) The state mental health officer, the state health officer, the state superintendent of education, and the director of public safety or designees authorized to speak on their behalf.

(2) Nine public members appointed by the governor, one from each of the seven congressional districts into which the state is divided for the purpose of electing representatives in the United States Congress, and two from the state-at-large. As a group, the public members shall demonstrate knowledge in the area of child abuse and neglect prevention; shall be representative of the demographic composition of this state; and, to the extent practicable, shall be representative of all of the following categories: organized labor, the business community, the religious community, the legal community, professional providers of child abuse and neglect prevention services, and volunteers in child abuse and neglect prevention services.

(c) The term of each public member shall be 3 years, except that of the public members first appointed, 3 shall serve for 3 years, 3 for 2 years, and 3 for 1 year. The governor shall designate the term which each of the members first appointed shall serve when he makes such appointments. A public member shall not serve more than 2 consecutive terms whether partial or full. A vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(d) The governor shall designate a chairperson of the state board from among the public members, which chairperson shall serve in that position at the pleasure of the governor. The state board may elect other officers and committees as it considers appropriate.

(e) The actual and necessary per diem compensation and the schedule for reimbursement of expenses for the public members of the state board shall be the same as prescribed by law for state employees when traveling

on state business. All actual and necessary operating expenses of the state board shall be paid from the trust fund, pursuant to an authorization as provided in Section 8.

(f) The board shall hold two regular public meetings each year, one on the first Friday in May and the other on the first Friday in October; and may hold such special meetings as in the opinion of the chairman on a majority of the board are needed to transact the business of the board. Notice of the time, date, and place of each meeting shall be given in the manner and for the time prescribed therefor by.

(g) The state board shall review and approve the state plan for the administration of the state child abuse and neglect prevention program.

(h) All books, records and documents pertaining to the board or the performance of any official function of the board shall be public records and open to the public at all reasonable times.

Section 4. The state department of pensions and security shall hire all staff required to exercise the powers and carry out the duties of the department under this act. All actual and necessary operating expenses of the department shall be paid from the trust fund pursuant to authorization as provided in Section 8.

Section 5. (a) The department shall do all of the following:

(1) One year after the original appointment of the state board, and annually thereafter, develop a state plan for the administration of the state child abuse and neglect prevention program which shall reflect the distribution of funds from the trust fund. The plan shall assure that an equal opportunity exists for the establishment of prevention programs and receipt of trust fund money among all geographic areas in this state. The plan shall be transmitted to the speaker of the house, the president pro tempore of the senate, to the governor, and to the ways and means committee of the house of representatives and the finance and taxation committee of the state.

(2) Provide for the coordination and exchange of information on the establishment and maintenance of local councils and prevention programs.

(3) Develop and publicize criteria for the receipt of trust fund money by eligible local councils and eligible prevention programs.

(4) Review, approve, and monitor the expenditure of trust fund money by local councils and prevention programs.

(5) Provide statewide educational and public informational seminars for the purpose of developing appropriate public awareness regarding the problems of child abuse and neglect; encourage professional persons and groups to recognize and deal with problems of child abuse and neglect; make information about the problems of child abuse and neglect available to the public and organizations and agencies which deal with problems of child abuse and neglect; and encourage the development of community prevention programs.

(6) Establish a procedure for the annual, internal evaluation of the functions, responsibilities, and performance of the department's prevention program and coordinate the evaluation with the state plan.

(b) The department shall enter into contracts with public or private agencies to fulfill the requirements of subsection (a) (5) and may contract to fulfill the other requirements of subsection (a).

Section 6. The state board may recommend to the governor and the legislature changes in state programs, statutes, policies, budgets, and standards which will reduce the problem of child abuse and neglect, improve coordination among state agencies that provide prevention services, and improve the condition of children and parents or guardians who are in need of prevention program services.

Section 7. The department may accept federal funds granted by congress or executive order for the purposes of this act as well as gifts and donations from individuals, private organizations, or foundations. The acceptance and use of federal funds does not commit state funds and does not place an obligation upon the legislature to continue the purposes for which the federal funds are made available. All funds received in the manner described in this section shall be transmitted to the state treasurer for deposit in the trust fund.

Section 8. (a) The department may authorize the disbursement of available money from the trust fund exclusively for the following purposes, which are listed in the order of preference for expenditure:

(1) To fund a private nonprofit or public organization in the development or operation of a program if at least all of the following conditions are met:

a. The appropriate local council has reviewed and approved the program. The subparagraph does not apply if a local council does not exist for the geographic area to be served by the program.

b. The organization demonstrates an ability to match, through money or in-kind services, 50% of the amount of any trust fund money received. Not more than 50% of the local match shall be in in-kind services. In-kind services are subject to the approval of the department.

c. The organization demonstrates a willingness and ability to provide program models and consultation to organizations and communities regarding program development and maintenance.

d. Other conditions that the department may deem appropriate.

(2) To fund local councils.

(3) To fund the state board created in Section 3 for the actual and necessary expenses of the state board and to fund the expenses the department incurs in performing its duties.

(b) Authorizations for disbursement of trust fund money under subsection (a)(3) shall be kept at a minimum in furtherance of the primary purpose of the trust fund which is to disburse money under subsection (a)(1) and (2) to encourage the direct provision of services to prevent child abuse and neglect.

Section 9. In making grants to a local council, the department shall consider the degree to which the local council meets the following criteria:

(1) Has as its primary purpose the development and facilitation of a collaborative community prevention program in a specific geographical area. The prevention program shall utilize trained volunteers and existing community resources wherever practicable.

(2) Is administered by a board of directors composed of an equal number of members from the following 2 groups:

a. A representative from each of the following local agencies: the county department of pensions and security, the county public health department, the probate court, the office of the prosecuting attorney, a local law enforcement agency, a school district, and a number of private, local agencies that provide treatment or prevention services for abused and neglected children and their parents or guardians. The number of private agencies to be represented on the local council shall be designated in the bylaws of the local council by the remaining members.

b. Members of the local council elected by the membership. The elected members shall represent the demographic composition of the community served, as far as practicable.

(3) Does not provide direct services except on a demonstration project basis, or as a facilitator of interagency projects.

(4) Demonstrates a willingness and ability to provide prevention program models and consultation organizations and communities regarding prevention program development and maintenance.

(5) Demonstrates an ability to match, through money or in-kind services, 50% of the amount of any trust fund money received. Not more than 50% of the local match shall be in in-kind services. In-kind services are subject to the approval of the board.

(6) Other criteria that the department deems appropriate.

Section 10. Not later than 2 years after the effective date of this act, the department shall promulgate rules pursuant to the Alabama administrative procedure act, Act No. 81-855 of 1981, now codified as Chapter 22 of Title 41 of the Code of Alabama 1975.

Section 11. A thorough, independent review of the functions, responsibilities, and performance of the department shall be completed each 5 years after the effective date of this act, and transmitted to the individuals listed in Section 5 (a)(3).

Section 12. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed, except that no part of this act shall be construed to repeal or preempt or take precedence over any part of Act No. 1124, Acts 1975, as amended by Act No. 81-789, Acts 1981, as now codified in Code of Alabama 1975 Title 26, Chapter 14, Sections 26-14-1 through 26-14-13, as amended or to authorize any board, person, or entity to assume the duties and responsibilities of any other state agency provided in said Code.

Section 14. This act shall not take effect unless Senate Bill No. 261 or House Bill No. 56 of the 1983 Regular Session of the Alabama Legislature is enacted into law. If said Senate Bill No. 261 or House Bill No. 56 is enacted into law, then this act shall become effective 30 days after this act's passage and approved by the governor, or upon its otherwise becoming law.

On motion of Senator Aldridge, said substitute was laid on the table.

And said Bill, H. B. 56, was read a third time at length and passed.

Yeas 14; Nays 5.



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*Yeas:*

Senators:	Cooley	Kirkland	Proctor
Aldridge	Foshee	Menton	Smith (J)
Amari	Goodwin	Mitchell	Teague
Bailey	Harrison	Parsons	

—14

*Nays:*

Senators:	Bedsole	Little	Mitchem
Bachus	Corbett		

—5

The Bill:

H. 57. To create and establish the state child abuse and neglect prevention board; to prescribe the purpose of and the authority, powers and duties of such board; specifically to place certain duties relative to the children's trust fund in the state treasury on the child abuse and neglect prevention board and to prescribe criteria for determining when and how much money from such fund shall be made available to local organizations for use in the prevention of child abuse and neglect; and to place additional duties and confer additional powers and authority on certain state departments.

was taken up.

Senator Mitchem offered the following amendment to the Bill, H. B. 57, to-wit:

**AMENDMENT TO H. B. 57**

On page 1, lines 23 and 24, delete the language "child abuse and neglect prevention board" and insert in lieu thereof:

State Department of Pensions and Security

On page 2, lines 12 and 13, delete the words "child abuse and neglect prevention board" and insert in lieu thereof:

State Department of Pensions and Security

On page 3, line 7, delete the language "Section 8" and insert in lieu thereof:

Section 7

On page 3, lines 18 and 19, delete the language "state child abuse and neglect prevention board as provided in Section 9 of the child abuse and neglect prevention act" and insert in lieu thereof:

State Department of Pensions and Security

On page 3, line 24, delete the language "state board as provided in Section 9 of the child abuse and neglect act" and insert in lieu thereof:

State Department of Pensions and Security

On page 3, line 25, delete the language "Section 9" and insert in lieu thereof:

Section 8

On page 4, lines 31 and 32, delete the language "child abuse and neglect prevention board" and insert in lieu thereof:

## State Department of Pensions and Security

On page 4, line 35, delete the language "child abuse and neglect prevention board" and insert in lieu thereof:

## State Department of Pensions and Security

On page 5, lines 5 and 6, delete the language "child abuse and neglect prevention board" and insert in lieu thereof:

## State Department of Pensions and Security

On page 5, line 8, delete the language "Section 9" and insert in lieu thereof:

## Section 8

On page 5, lines 16 through 20, delete Sections 5 and 6 in their entirety and insert in lieu thereof the following new sections:

Section 5. All laws or parts of laws which conflict with this act are hereby repealed, except that no part of this act shall be construed to repeal or preempt or take precedence over any part of Act No. 1124, Acts 1975, as amended by Act No. 81-789, Acts 1981, as now codified in Code of Alabama 1975, Title 26, Chapter 14, Sections 26-14-1 through 26-14-13, as amended, or to authorize any board, person, or entity to assume the duties and responsibilities of any other state agencies provided in said Code.

Section 6. This act shall become effective 30 days after its passage and approval by the Governor, or upon its otherwise becoming law.

On motion of Senator Aldridge, said amendment was laid on the table.

And said Bill, H. B. 57, was read a third time at length and passed.

Yeas 13; Nays 7.

## Yeas:

Senators:	Barron	Harrison	Mitchell	
Aldridge	Cooley	Kirkland	Robertson	
Amari	Foshee	Menton	Teague	
Bailey	Goodwin			—13

## Nays:

Senators:	Bedsale	Covington	Little	
Bachus	Corbett	Dixon	Mitchem	—7

## The Bill:

H. 509. To amend Sections 5-18-5 and 5-19-22, Code of Alabama 1975, relating to annual license fees paid by persons making certain type loans, so as to alter said license fees and to provide for the distribution of said revenue.

was read a third time at length and passed.

Yeas 22; Nays 0.

## Yeas:

Senators:	Cooley	Dixon	Harrison
Bailey	Corbett	Figures	Kirkland
Barron	Covington	Foshee	Little
Bedsale	deGraffenried	Goodwin	Menton

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Mitchell	Parsons	Proctor	Teague	
Mitchem	Pearson	Smith (J)		—22
Nays:				—0

**MOTION TO ADJOURN LOST**

At 11:20 P.M., Senator Little moved that the Senate adjourn until Monday, August 1, 1983, at 8:30 A.M., which motion was lost.

**BILLS ON THIRD READING RESUMED**

The Bill:

H. 149. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

was taken up.

Senator Little offered the following amendment to the Bill, H. B. 149, to-wit:

**AMENDMENT TO H. B. 149**

Amend House Bill No. 149 Page 5 Line 33, by striking out the following words:

"vinous liquor"

On motion of Senator Little, further consideration of the Bill, H. B. 149, was postponed subject to the call of the Chair.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Lewis M. Brooks to the Foreign Trade and Relations Commission.

On motion of Senator Parsons, the appointment of Mr. Brooks was confirmed by the Senate.

Yeas 20; Nays 0.

*Yeas:*

Senators:	Bishop	Dixon	Mitchell	
Amari	Cooley	Goodwin	Parsons	
Bachus	Corbett	Harrison	Proctor	
Bailey	Covington	Little	Robertson	
Barron	deGraffenried	Menton	Teague	
Bedsole				—20

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. James J. Hicks to the Foreign Trade and Relations Commission.

On motion of Senator Parsons, the appointment of Dr. Hicks was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Bedsole	deGraffenried	Parsons	
Aldridge	Bishop	Dixon	Pearson	
Amari	Cooley	Goodwin	Robertson	
Bailey	Corbett	Harrison	Teague	
Barron	Covington	Little		—18

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Lillian Ann Hope to Alabama State University Board of Trustees.

On motion of Senator Parsons, the appointment of Ms. Hope was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Cooley	Foshee	Mitchell	
Aldridge	Corbett	Goodwin	Parsons	
Bailey	Covington	Harrison	Proctor	
Barron	deGraffenried	Kirkland	Robertson	
Bishop	Dixon	Menton	Teague	—19

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a

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favorable report, to-wit:

Appointment of Dr. James A. Smith to Alabama State University Board of Trustees.

On motion of Senator Mitchell, the appointment of Dr. Smith was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Mitchem	
Aldridge	Corbett	Harrison	Parsons	
Bailey	Covington	Kirkland	Proctor	
Barron	deGraffenried	Little	Teague	
Bishop	Foshee	Mitchell		—18

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. James White to University of Montevallo Board of Trustees.

On motion of Senator Proctor, the appointment of Mr. White was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Mitchell	
Aldridge	Cooley	Harrison	Parsons	
Amari	Corbett	Hilliard	Proctor	
Bailey	Covington	Little	Robertson	
Barron	deGraffenried	Menton	Teague	
Bedsole	Dixon			—21

Nays: —0

**MOTION TO ADJOURN LOST**

At 11:50 P.M., Senator Dixon moved that the Senate adjourn until Monday, August 1, 1983, at 8:30 A.M., which motion was lost.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Mathis, Carothers, Grimsley, Williams, Holley, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Klikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton,

Lewis, McKee, McMillan, Manley, Martin, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby:

H. J. R. 478. REQUESTING GOVERNOR GEORGE C. WALLACE TO PETITION THE PRESIDENT TO DECLARE GENEVA AND HOUSTON COUNTIES A FEDERAL DISASTER AREA.

WHEREAS, tomato producers in Geneva and Houston Counties have suffered financial disaster as a result of weather conditions thus far in 1983; and

WHEREAS, excessive rains in February and early March were followed by unseasonably cold weather into the month of April, thereby delaying normal maturation of the crop; and

WHEREAS, problems were further compounded by an additional delay in harvesting the crop, again due to excessive rain, causing tomatoes to ripen in the fields and to fill with water, becoming unfit for shipment; and

WHEREAS, the normal shipping time for Geneva and Houston County tomatoes falls between June 1 and July 10, filling a marketing void between Florida crops and those from California and South Carolina; and

WHEREAS, this year, however, the few tomatoes salvaged by Alabama's producers and those from Florida, California and South Carolina were all shipped at the same time causing a market glut and a resultant depressed price for tomatoes; and

WHEREAS, having invested between \$1500 to \$2000 per acre in their crops, hundreds of Alabama's tomato producers are facing financial ruin; may already have outstanding loans and will need additional financing for fall planting and for next year's crop; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully urge Governor George C. Wallace to petition the President to declare Geneva and Houston Counties a federal disaster area; we further would request the Governor to intervene on behalf of Alabama's tomato producers and ask for consideration from the Farmers Home Administration and other lending institutions in assisting these growers in every possible way.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor Wallace with copies also sent to all members of Alabama's Congressional Delegation.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 478, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

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H. 420. To amend the following sections of the Code of Alabama 1975: §40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Reps. Campbell, Casey and Coburn.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchem, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 420, the title of which is set out in the foregoing Message from the House.

Yeas 19; Nays 0.

Yeas:

Senators:	Bishop	Harrison	Parsons	
Aldridge	Cooley	Little	Proctor	
Amari	Corbett	Menton	Robertson	
Bailey	Covington	Mitchell	Smith (B)	
Bedsole	Foshee	Mitchem	Teague	—19

Nays: —0

And the President Pro Tempore of the Senate appointed as Committee on part of the Senate Senators Mitchem, Foshee, and Bishop.

**MOTION TO ADJOURN LOST**

At 11:55 P.M., Senator deGraffenried moved that the Senate adjourn until Monday, August 1, 1983, at 8:30 A.M., which motion was lost.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 244. To further amend §§40-18-42, 40-18-80, 40-18-82, and 40-18-83, Code of Alabama 1975, so as to provide for elimination of installment payments of income tax by corporations and fiduciaries and to require the filing and payment of declarations of estimated income tax by corporations. This bill will also allow as a deduction for corporate income tax purposes limited carry forward (but no carry back) of corporate net operating losses.

Also:

H. 747. Relating to Montgomery County; providing further for the compensation of the judge of probate.

Also:

H. 148. To amend Section 39-1-1, Code of Alabama 1975, so as to expedite settlements with contractors performing contracts of less than \$10,000.00 in amount; to provide procedures for payment of final settlements of such contracts upon completion and full compliance with the

terms of the said contract.

Also:

H. 536. To amend Section 15-22-23 and Section 15-22-36, of the Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles so as to provide further for notification procedures.

Also:

H. 287. To amend Section 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

Also:

H. 815. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilsonville, in Shelby County, to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Wilsonville.

Also:

H. 829. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

JOHN W. PEMBERTON,  
Clerk.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Joe Reed to Alabama State University Board of Trustees.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 243. To amend Sections 4, 7, 10, 11 and 16 of Title 40, Chapter 15, Code of Alabama, 1975, that imposes an estate and inheritance tax by changing due dates under this Chapter from 15 months after the decedent's death to 9 months after the decedent's death and by changing the interest rate charged for delinquent payments from six percent per annum to the rate established in Section 40-1-44, Code of Alabama, 1975.

Also:

H. 826. To make an absolute appropriation from Revenue Sharing Funds to the named recipients in the amount indicated for the fiscal year



ending September 30, 1983.

JOHN W. PEMBERTON,  
Clerk.

**FURTHER CONSIDERATION OF GOVERNOR'S  
APPOINTMENT**

The Senate proceeded to further consideration of the appointment of Mr. Joe Reed to the Alabama State University Board of Trustees.

On motion of Senator Parsons, the appointment of Mr. Reed was confirmed by the Senate.

Yeas 21; Nays 4.

*Yeas:*

Senators:	Cooley	Hilliard	Mitchem
Aldridge	Corbett	Kirkland	Parsons
Amari	Covington	Little	Proctor
Bailey	deGraffenried	Menton	Smith (J)
Barron	Foshee	Mitchell	Teague
Bishop	Goodwin		

—21

*Nays:*

Senators:	Bedsole	Dixon	Harrison
Bachus			

—4

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 420. To amend the following sections of the Code of Alabama 1975: §40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

and Conference Report being in words and figures as follows:

**REPORT OF COMMITTEE ON CONFERENCE ON  
HOUSE BILL 420**

We, the Committee on Conference appointed to reconcile the differences between the two Houses concerning House Bill 420 have met, considered the bill, and have agreed to the attached:

TOM COBURN,  
JOHN CASEY,  
JIM CAMPBELL,  
Conferees on the Part of the House.  
CRUM FOSHEE,  
CHARLES BISHOP,  
HINTON MITCHEM,  
Conferees on the Part of the Senate.

## CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 420

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 40-14-40 and 40-14-43, Code of Alabama 1975, so as to increase the amount of franchise tax levy on domestic corporations and change the distribution formula to adjust for the increase.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-14-40 and 40-14-43, Code of Alabama 1975, are hereby amended to read as follows:

“§ 40-14-40.

“Every corporation organized under the laws of this state, except strictly benevolent, educational or religious corporation, shall pay annually to the state an annual franchise tax ~~of \$3.00 on each \$1,000.00 of~~ based on its capital stock; as follows:

<u>For the tax year beginning</u>	<u>Rate on each \$1,000.00 of capital stock</u>
<u>January 1, 1984</u>	<u>\$ 10.00</u>
<u>And all tax years thereafter</u>	<u>\$ 10.00</u>

provided, that in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of ~~\$25.00~~ \$50.00.

“§ 40-14-43.

“Remittance of the franchise tax required by the above sections shall be made to the department of revenue at Montgomery, Alabama, with checks payable to the state treasurer of Alabama. ~~Two twenty-fifths of the~~ The franchise tax collected shall be distributed as follows: One part, which shall be known as the ‘Counties Portion’ shall be apportioned by the department of revenue to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the comptroller shall draw his warrant payable to the county treasurer of each county in such proportion upon certificate of the department of revenue. One fifth ~~One portion of the franchise tax collected shall be deposited in the state treasury to the credit of the state public welfare trust fund and is hereby appropriated for general welfare purposes; the remainder of said tax shall be paid by the department of revenue to the general fund. The annual portions referred to above shall be in accordance with the following distribution schedule:~~

<u>“Distribution Schedule</u>			
<u>“For the tax year beginning</u>	<u>Counties Portion</u>	<u>Public Welfare Trust Fund Portion</u>	<u>General Fund</u>
<u>January 1, 1984</u>	<u>6.65 %</u>	<u>16.35 %</u>	<u>77.0 %</u>
<u>And all tax years Thereafter</u>	<u>6.65 %</u>	<u>16.35 %</u>	<u>77.0 %</u>

In this section, ‘general welfare purposes’ means:

“(1) The administration of public assistance as set out in Sections 38-2-5 and 38-4-1;

“(2) Services, including supplementation and supplementary services

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under the Federal Social Security Act to or on behalf of persons to whom such public assistance may be given under said Section 38-4-1;

“(3) Services to and on behalf of dependent, neglected or delinquent children; and

“(4) Investigative and referral services to and on behalf of needy persons.”

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective January 1, 1984, following its passage and approval by the Governor or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

**JOHN W. PEMBERTON,**  
Clerk.

**HOUSE AND CONFERENCE MESSAGE**

On motion of Senator Mitchem, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H.B. 420, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 19; Nays 2.

*Yeas:*

Senators:	Bishop	Foshee	Mitchem	
Aldridge	Cooley	Goodwin	Proctor	
Amari	Corbett	Harrison	Robertson	
Bachus	Covington	Menton	Smith (J)	
Barron	deGraffenried	Mitchell	Teague	—19

*Nays:*

Senators: Dixon and Little —2

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 42. To amend further Section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which are lost by a county or an independent city because of decrease in average daily attendance, to be transferred to a kindergarten program until the kindergarten program is adequately funded, or a compulsory remedial summer

school program; to provide for the state superintendent of education to allocate the units and to provide the basis therefor; and to provide for certain authority of the local school system in the use of such transferred units within the kindergarten program.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Smith (J), the Senate concurred in and adopted the following House substitute for the Bill, S. B. 42, the title of which is set out in the foregoing Message from the House, to-wit:

### HOUSE SUBSTITUTE FOR S. B. 42

#### A BILL TO BE ENTITLED AN ACT

To amend further Section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which are lost by a county or an independent city because of decrease in average daily attendance, to be transferred to a kindergarten program until the kindergarten program is adequately funded or a compulsory remedial summer school program; to provide for the state superintendent of education to allocate the units and to provide the basis therefor; and to provide for certain authority of the local school system in the use of such transferred units within the kindergarten program.

Be It Enacted by the Legislature of Alabama:

Section 1. The short title of this act is THE 1983 COMPREHENSIVE KINDERGARTEN ACT.

Section 2. Section 16-13-52, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-13-52.(a) In determining the number of teacher units to be allowed a county or an independent city for the purpose of apportioning the minimum program fund, one teacher unit shall be allowed for each 28 pupils in average daily attendance, during the first four scholastic months of the preceding school year in all the public schools of the county, including schools in the independent cities therein; provided, that those systems which show an increase in average daily attendance during the first four scholastic months of the current year may be allowed one additional teacher unit for each 28 pupils in such increase in average daily attendance for such current year.

"(b) Any teacher units which are lost as a result of a decrease in average daily attendance, shall be allocated for the funding of a kindergarten program, based on a formula developed by the State Board of Education, until such kindergarten program is properly funded. Properly funded is defined as a time (on a statewide basis) when one teacher unit or (supervised) teacher aide is funded for every twenty (20) kindergarten students. Local school boards shall have the discretion to use such units for (supervised) teacher aides in the kindergarten program in lieu of additional certified teachers: provided, however, that any remaining funds saved by using teacher aides in lieu of certified teachers must be utilized in some aspect of the kindergarten program by said local school boards; and further provided

that, subject to the approval of the state superintendent of education, up to twenty-five percent (25%) of the units which would have been lost due to decreased average daily attendance may be used to fund a compulsory remedial summer school program, if and when such program is established by the legislature.

“(c) In the event of natural disaster, epidemic or other occurrence that may cause pupil average daily attendance during the first four scholastic months of the school year to be abnormal and below usual and customary levels, the affected school board may petition the state superintendent of education to seek his approval for the use of an alternate four month reporting period during the same scholastic year. The state superintendent of education shall be authorized to approve such petitions after proper examination of the facts and evidence presented.”

Section 3. This act shall become effective October 1, 1984.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Harrison	Parsons
Aldridge	Cooley	Kirkland	Pearson
Amari	Corbett	Little	Proctor
Bachus	Covington	Menton	Robertson
Bailey	deGraffenried	Mitchell	Smith (J)
Barron	Foshee	Mitchem	Teague
Bedsole	Goodwin		

—25

Nays: —0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 340. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, and 12-19-91 Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts and appellate courts so as to enhance that portion of the fee schedule distributed to the state general fund; to amend Section 12-2-20, Code of Alabama 1975, so as to further provide for, regulate and limit the use of the fees paid into the administrative fund of the supreme court; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

JOHN W. PEMBERTON,  
Clerk.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 46

S. B. 63  
S. B. 69  
S. B. 90  
S. B. 188  
S. B. 224  
S. B. 233  
S. B. 239  
S. B. 299  
S. B. 533  
S. B. 227

Delivered to the Governor, July 25, 1983 at 11:30 A.M.

S. B. 93  
S. B. 369  
S. B. 480  
S. B. 506  
S. B. 530  
S. B. 537  
S. B. 544  
S. B. 546  
S. B. 548  
S. B. 549  
S. B. 550

Delivered to the Governor, July 25, 1983 at 4:05 P.M.

S. B. 378

Delivered to the Secretary of State, July 25, 1983 at 4:05 P.M.

S. B. 547  
S. B. 552  
S. B. 554

Delivered to the Governor, July 25, 1983 at 4:05 P.M.

S. B. 377

Delivered to the Governor, July 25, 1983 at 10:40 P.M.

McDOWELL LEE,  
Secretary of Senate.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

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**ADJOURNMENT**

The hour of midnight having arrived, on motion of Senator Foshee, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, H.B. 370, the Senate adjourned until Monday, August 1, 1983, at 8:31 A.M.

**THIRTIETH LEGISLATIVE DAY****MONDAY, AUGUST 1, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Lawson Bryan, Minister, Dexter Avenue United Methodist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Cabaniss	Goodwin	Mitchell
Aldridge	Cooley	Harrison	Mitchem
Amari	Corbett	Hilliard	Parsons
Bachus	Covington	Holmes	Pearson
Bailey	deGraffenried	Keener	Robertson
Barron	Denton	Kirkland	Smith (B)
Bedford	Dixon	Little	Smith (J)
Bedsole	Figures	Menton	Teague
Bishop	Foshee		

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**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with.

Yeas 13; Nays 10.

Yeas:

Senators:	Harrison	Menton	Smith (B)
Aldridge	Holmes	Mitchell	Smith (J)
Bishop	Little	Parsons	Teague
Cooley			

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Nays:

Senators:	Cabaniss	Dixon	Mitchem
Bachus	Covington	Goodwin	Robertson
Bedford	deGraffenried	Hilliard	

—10

**LEAVE OF ABSENCE**

On motion of Senator Teague, leave of absence was granted Senators Boyington and Proctor for today.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 222. Relating to Jackson County; providing for the county governing body to reimburse the office of tax collector and probate judge for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of



the county.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 185. CONGRATULATING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

S. J. R. 252. MOURNING THE DEATH OF MR. HERBERT P. FEIBELMAN, JR., PROMINENT MOBILE ATTORNEY.

Also:

S. J. R. 255. CONGRATULATING MR. CALVIN C. OTTO ON RECEIVING THE DISTINGUISHED SERVICE AWARD OF THE ALABAMA HOSPITAL ASSOCIATION.

Also:

S. J. R. 263. HONORING AND DESIGNATING LANCE QUALMANN, A MEMBER OF JACK ZORN'S NATIONAL LADS TO LEADERS SPEAKER TEAM, AN ALABAMA AMBASSADOR OF GOODWILL.

Also:

S. J. R. 276. NOTING THE 100TH ANNIVERSARY OF THE HENRYVILLE UNITED METHODIST CHURCH.

Also:

S. J. R. 289. COMMENDING AUBURN UNIVERSITY COACH MEL ROSEN, DEAN OF SOUTHEASTERN CONFERENCE TRACK COACHES.

Also:

S. J. R. 306. ENDORSING THE ERECTION OF THE MEMORIAL OF THE FRATERNAL ORDER OF POLICE.

Also:

S. J. R. 318. PAYING TRIBUTE TO THE EFFORTS OF THE JEWISH COMMUNITY IN ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 58. To propose a new constitution for the State of Alabama to re-

place the Constitution of 1901, as amended.

CHARLES BISHOP,  
Chairperson.

### SIGNING OF BILLS

The President and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 299. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

Also:

H. 301. To amend Section 9-11-53, Code of Alabama 1975, relating to annual resident fishing licenses, so as to delete the requirement of said licenses for residents of this state over 65 years of age and to require in place thereof proof of age and permanent residence to be on said persons while fishing.

Also:

H. 340. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, 12-19-179, and 12-19-91, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts and appellate courts so as to enhance that portion of the fee schedule distributed to the state general fund; to amend Section 12-2-20, Code of Alabama 1975, so as to further provide for, regulate and limit the use of the fees paid into the administrative fund of the supreme court; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Also:

H. 420. To amend Sections 40-14-40 and 40-14-43, Code of Alabama 1975, so as to increase the amount of franchise tax levy on domestic corporations and change the distribution formula to adjust for the increase.

Also:

H. 494. To amend Sections 34-13-1, 34-13-4, 34-13-20, 34-13-22, 34-13-53, 34-13-72, 34-13-92 and 34-13-111, Code of Alabama 1975, relating to funeral services, board of funeral services licensees and funeral establishments, so as to further provide for the definitions of apprentice embalmers, distributions of the rules and regulations, composition, qualifications and terms of the board of funeral services, quorum, licensees and matters of record, qualifications of applicants for examination and inspections of funeral establishments and to provide for its retroactive effect.

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Also:

H. 509. To amend Sections 5-18-5 and 5-19-22, Code of Alabama 1975, relating to annual license fees paid by persons making certain type loans, so as to alter said license fees and to provide for the distribution of said revenue.

Also:

H. 747. Relating to Montgomery County; providing further for the compensation of the judge of probate.

Also:

H. 815. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Wilsonville, in Shelby County, to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Wilsonville.

Also:

H. 536. To amend Section 15-22-23 and Section 15-22-36, of the Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles so as to provide further for notification procedures.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 826. To make an absolute appropriation from Revenue Sharing Funds to the named recipients in the amount indicated for the fiscal year ending September 30, 1983.

Also:

H. 829. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a

two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 245. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 384. COMMENDING MRS. MONA FRICKS, DIRECTOR OF THE ALBERTVILLE LIBRARY, ALBERTVILLE, ALABAMA.

Also:

H. J. R. 386. CONGRATULATING VICTOR F. MITCHELL UPON HIM REACHING HIS NINETIETH MILESTONE.

Also:

H. J. R. 383. COMMENDING MRS. LINDA BOWEN OF MONTGOMERY, ALABAMA, WHO EXEMPLIFIES THE INDEPENDENT AND PRODUCTIVE BLIND CITIZENS OF THE STATE OF ALABAMA.

Also:

H. J. R. 395. COMMENDING DR. ROBERT LAWSON BRYAN, PASTOR OF THE DEXTER AVENUE UNITED METHODIST CHURCH, MONTGOMERY, ALABAMA.

Also:

H. J. R. 397. COMMENDING MR. JOHNNY LOUIS CLARK FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 478. REQUESTING GOVERNOR GEORGE C. WALLACE TO PETITION THE PRESIDENT TO DECLARE GENEVA AND

HOUSTON COUNTIES A FEDERAL DISASTER AREA.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 56. To establish the children's trust fund in the state treasury for the primary purpose of encouraging the direct provision of services to prevent child abuse and neglect and to provide for the continuous appropriation of moneys in such fund; to authorize and provide for voluntary contributions to such fund by means of an income tax checkoff and to prescribe certain duties for the state revenue department and the state treasurer in connection with such checkoff contributions; to provide for reimbursing the revenue department for the additional cost of collecting and handling such contributions; to provide for terminating the voluntary contributions when the trust fund reaches a certain amount; to regulate the use of the trust fund; to provide that the child abuse and neglect prevention board shall have access to and control over the fund and shall supervise and control the use of the assets of the fund; and to prescribe the effective date of this act.

Also:

H. 57. To create and establish the state child abuse and neglect prevention board; to prescribe the purpose of and the authority, powers and duties of such board; specifically to place certain duties relative to the children's trust fund in the state treasury on the child abuse and neglect prevention board and to prescribe criteria for determining when and how much money from such fund shall be made available to local organizations for use in the prevention of child abuse and neglect; and to place additional duties and confer additional powers and authority on certain state departments.

Also:

H. 148. To amend Section 39-1-1, Code of Alabama 1975, so as to expedite settlements with contractors performing contracts of less than \$10,000.00 in amount; to provide procedures for payment of final settlements of such contracts upon completion and full compliance with the terms of the said contract.

Also:

H. 222. Relating to Jackson County; providing for the county governing body to reimburse the office of tax collector and probate judge for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

Also:

H. 287. To amend Section 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

Also:

H. 243. To amend Sections 4, 7, 10, 11 and 16 of Title 40, Chapter 15, Code of Alabama, 1975, that imposes an estate and inheritance tax by changing due dates under this Chapter from 15 months after the decedent's death to 9 months after the decedent's death and by changing the interest rate charged for delinquent payments from six percent per annum to the rate established in Section 40-1-44, Code of Alabama, 1975.

Also:

H. 244. To further amend §§40-18-42, 40-18-80, 40-18-82, and 40-18-83, Code of Alabama 1975, so as to provide for elimination of installment payments of income tax by corporations and fiduciaries and to require the filing and payment of declarations of estimated income tax by corporations. This bill will also allow as a deduction for corporate income tax purposes limited carry forward (but no carry back) of corporate net operating losses.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Hilliard (With Notice and Proof):

S. 567. To relate to Class 1 municipalities (any city with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to create and provide for a racing commission for the regulating, licensing and supervision of horse racing and wagering thereon in any such municipality; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed racetrack; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of any such municipality on the question of whether the act will become effective in the municipality.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S.B.

567, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Drinkard, Ford, Starr, Casey, Junkins, Crow, Johnson (R.G.), Blake, Campbell, Laird, Bowder, Grouby, Manley, Cosby, Stout, Zoghby, Turner, Smith and Venable:

H. J. R. 425. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE NON-FEDERAL ASPECTS AND RESPONSIBILITIES INVOLVED IN COMPLETING THE COOSA RIVER NAVIGATION PROJECT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House to be appointed by the Speaker and four members of the Senate to be appointed by the Lieutenant Governor. The committee shall continue to exist until November 1, 1986, at which time it shall terminate. The committee, which shall be named the "Coosa River Study Committee," shall study those aspects of the proposed Coosa River Navigation Project which involve the State of Alabama. Priority will be given to the benefits to be derived, funding the non-Federal portion of the costs and meeting the responsibilities of the Coosa Valley Development Authority as the designated local sponsor. The committee shall elect at the first meeting a chairman and vice chairman from among their members.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as many be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$7,000.00 per year, which shall be payable from funds made available for legislative use.

The committee shall report its findings and suggestions to the full legislature at each regular session of the Legislature in 1984, 1985 and 1986.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 425, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Brigadier General William A. Jackson to the rank of Major General, as Commander, Troop Command, AL ARNG.

Senator Aldridge moved that the appointment of Brigadier General Jackson be confirmed by the Senate.

Senator Hilliard offered a substitute motion that the confirmation of Brigadier General Jackson be postponed temporarily.

**RECESS**

At 12:15 P.M., on motion of Senator Dixon, the Senate took a recess until 1:45 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

**INTERIM COMMITTEE REPORT FILED**

Pursuant to the provisions of Act No. 83-122, the report of the Joint Interim Oil and Gas Study Committee was filed with the Secretary.

**FURTHER CONSIDERATION OF APPOINTMENT**

The Senate proceeded to further consideration of the appointment of Brigadier General William A. Jackson to the rank of Major General, as Commander, Troop Command, AL ARNG. The question was on the motion of Senator Hilliard to postpone temporarily.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolution with the original Senate Bill and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. J. R. 256. CREATING A PERMANENT JOINT COMMITTEE TO STUDY OIL AND GAS, TO BE CALLED THE "ALABAMA OIL AND GAS STUDY COMMITTEE," EFFECTIVE JANUARY 1, 1984.

Also:

S. 42. To amend further Section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which are lost by a county or an independent city because of decrease in average daily attendance, to be transferred to a kindergarten program until the kindergarten program is adequately funded or a compulsory remedial summer school program; to provide for the state superintendent of education to allocate the units and to provide the basis therefor; and to provide for certain authority of the local school system in the use of such transferred units within the kindergarten program.



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Also:

S. J. R. 185. CONGRATULATING BURDICK-WEST MEMORIAL HOSPITAL ON BECOMING ACCREDITED IN 1983.

Also:

S. J. R. 252. MOURNING THE DEATH OF MR. HERBERT P. FEIBELMAN, JR., PROMINENT MOBILE ATTORNEY.

Also:

S. J. R. 255. CONGRATULATING MR. CALVIN C. OTTO ON RECEIVING THE DISTINGUISHED SERVICE AWARD OF THE ALABAMA HOSPITAL ASSOCIATION.

Also:

S. J. R. 263. HONORING AND DESIGNATING LANCE QUALMANN, A MEMBER OF JACK ZORN'S NATIONAL LADS TO LEADERS SPEAKER TEAM, AN ALABAMA AMBASSADOR OF GOODWILL.

Also:

S. J. R. 276. NOTING THE 100TH ANNIVERSARY OF THE HENRYVILLE UNITED METHODIST CHURCH.

Also:

S. J. R. 289. COMMENDING AUBURN UNIVERSITY COACH MEL ROSEN, DEAN OF SOUTHEASTERN CONFERENCE TRACK COACHES.

Also:

S. J. R. 306. ENDORSING THE ERECTION OF THE MEMORIAL OF THE FRATERNAL ORDER OF POLICE.

Also:

S. J. R. 318. PAYING TRIBUTE TO THE EFFORTS OF THE JEWISH COMMUNITY IN ALABAMA.

CHARLES BISHOP,  
Chairperson.

**SIGNING OF BILLS AND RESOLUTIONS**

The President and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

**RESOLUTIONS**

Senator Little offered the following Senate Resolution, to-wit:

S. R. 328. COMMENDING MR. RALPH SHERER OF AUBURN, ALABAMA, FOR DISTINGUISHED PUBLIC SERVICE.

Which was adopted.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 329. COMMENDING ROBERT H. NASH, PROMINENT CIVIC LEADER.

Also:

S. R. 330. COMMENDING MIKE BLAKELY, SHERIFF OF THE CITY OF ATHENS, ALABAMA.

Also:

S. R. 331. COMMENDING MRS. PAT PATTERSON OF ATHENS, ALABAMA.

Also:

S. R. 332. COMMENDING OSCAR BARKER, ATHENS CITY COUNCILMAN.

Also:

S. R. 333. COMMENDING MRS. MARY ANN BOWERS THOMAS OF ATHENS, ALABAMA.

Also:

S. R. 334. COMMENDING MR. JOHNNY SMITH OF FLORENCE, ALABAMA, NATIONAL DIRECTOR AND EXECUTIVE COMMITTEEMAN OF BLACKS IN GOVERNMENT.

Which were adopted.

#### **FURTHER CONSIDERATION OF APPOINTMENT**

The Senate proceeded to further consideration of the appointment of Brigadier General William A. Jackson to the rank of Major General, as Commander, Troop Command, AL ARNG. The question was on the motion of Senator Hilliard to postpone temporarily.

#### **RECESS**

At 6 o'clock P.M., on motion of Senator Dixon, the Senate took a recess until 7:30 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

#### **FURTHER CONSIDERATION OF APPOINTMENT**

The Senate proceeded to further consideration of the appointment of Brigadier General William A. Jackson to the rank of Major General, as Commander, Troop Command, AL ARNG. The question was on the motion of Senator Hilliard to postpone temporarily.

#### **MESSAGE FROM THE GOVERNOR**

To the Alabama Senate  
State Capitol  
Montgomery, Alabama 36130

Lady and Gentlemen:

I transmit herewith a Message from Governor George C. Wallace, returning Senate Bill 299. This Bill is returned without the Governor's signature and approval but with the following suggested Executive Amendment.

Done this 29th day of July, 1983.

Respectfully submitted,

ELVIN L. STANTON,  
Executive Secretary.

**MESSAGE FROM THE GOVERNOR**

To the Alabama Senate  
State Capitol  
Montgomery, Alabama 36130

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill 299, without my signature and approval but with a suggested Executive Amendment which would make this Bill acceptable.

The Bill as presented amends Section 16-8-26, Code of Alabama 1975, which authorizes county or city Boards of Education to grant up to five days of personal leave to any teacher within its school system adding to the current law that boards shall enact policies providing for uniform administration of personal leave. The Bill further adds that any approved leave for which the state education budget includes funding shall be with pay. Also, if personal leave is not used during the school year, reimbursement at the end of the year for that leave will be paid if funded by the Alabama Special Education Trust Fund.

The Bill added a second subsection "b" to Section 16-8-26, Code of Alabama 1975, providing in that subsection that accrued sick leave can be used towards membership service in determining total years of creditable service in the Teacher's Retirement System of Alabama effective October 1, 1984. It is with this new subsection "b" that I object to this Bill as presented.

After close inquiry and investigation, I find that the cost of allowing accrued sick leave to be used towards teacher's retirement at this point in time would be an unsound decision in managing the business of our state. Our Finance Department and actuaries inform me that this portion of the Bill will cost the Teacher's Retirement System of Alabama upwards of 7.5 million dollars annually. Even though the use of sick leave towards retirement will not take effect until next year, the Fiscal Notes from both House state that the future liability of the Teacher's Retirement System will be increased by an undetermined amount in years to come. Simply, the State of Alabama cannot afford this provision at this time.

For the sole reason of its prohibitive cost, I offer the following Executive Amendments deleting the portions pertaining to Retirement in Senate Bill 299:

**EXECUTIVE AMENDMENT TO S. 299  
AS SUBSTITUTED AND AMENDED**

Amend Senate 299, page one line twenty-four by deleting "(a)".

Amend Senate 299, page two line four by deleting all of lines four through fifteen, including subparagraph (b) and the last two paragraphs, and substitute in lieu thereof:

"Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

The adoption of the above and foregoing suggested Executive Amendment will remove any objections to this Bill.

Done this 29th day of July, 1983.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

### GOVERNOR'S MESSAGE

Senator Dixon moved that the Senate non-concur in the amendment proposed by His Excellency, the Governor, to the Bill:

S. 299. To amend Section 16-8-26, Code of Alabama 1975, which provides for personal leave for teachers, so as to provide further for said leave. which said amendment is set out in the foregoing Message from the Governor.

Senator Cabaniss offered a substitute motion that the Senate concur in said amendment.

On motion of Senator Dixon, the motion to concur was laid on the table.

Yeas 20; Nays 8.

*Yeas:*

Senators:	Cooley	Harrison	Mitchem	
Aldridge	Corbett	Hilliard	Pearson	
Amari	deGraffenried	Holmes	Robertson	
Bachus	Dixon	Keener	Smith (J)	
Barron	Figures	Kirkland	Teague	
Bedford				—20

*Nays:*

Senators:	Covington	Goodwin	Mitchell	
Bedsale	Foshee	Little	Smith (B)	
Cabaniss				—8

On motion of Senator Dixon, the Senate reconsidered the Bill, S. B. 299.

And said Bill, S. B. 299, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 27 Nays 1, the Governor's veto to the contrary notwithstanding.

*Yeas:*

Senators:	Cooley	Hilliard	Mitchem	
Aldridge	Corbett	Holmes	Parsons	
Amari	Covington	Keener	Pearson	
Bachus	deGraffenried	Kirkland	Robertson	
Bailey	Dixon	Little	Smith (B)	
Bedford	Figures	Menton	Smith (J)	
Cabaniss	Harrison	Mitchell	Teague	—27

*Nay:* Senator Foshee

—1

**MESSAGE FROM THE GOVERNOR**

To the Alabama State Senate  
State Capitol  
Montgomery, Alabama 36130

Lady and Gentlemen:

I transmit herewith a Message from Governor George C. Wallace, returning Senate Bill # 537, without the Governor's signature and approval.

Done this 29th day of July, 1983.

Respectfully submitted,  
ELVIN L. STANTON,  
Executive Secretary.

**MESSAGE FROM THE GOVERNOR**

To The Alabama State Senate  
State Capitol  
Montgomery, Alabama 36130

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill # 537, without my signature and approval.

Done this 29th day of July, 1983.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

**GOVERNOR'S MESSAGE**

On motion of Senator Holmes, consideration of the foregoing Message from His Excellency, the Governor, returning the Bill, S.B. 537, without his approval, was postponed temporarily.

**RESOLUTION**

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 335. CREATING A SELECT COMMITTEE TO STUDY PUBLIC EDUCATION IN TUSCALOOSA COUNTY.

WHEREAS, the Presidential Commission Report on Excellence in Education finds that mediocrity is far more common in public education than is excellence; and

WHEREAS, Tuscaloosa County taxpayers invest in excess of fifty million dollars annually for public education in the county; and

WHEREAS, no comprehensive study or report has been conducted in Tuscaloosa County concerning the status of public education; and

WHEREAS, such a study would be extremely important and useful to our youth, to our state's economic development and to our general welfare; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Select Committee to Study Public Education in Tuscaloosa County is hereby created and shall be composed of fifteen members as follows: The chairman of the Tuscaloosa

County Board of Education, and the chairman of the Tuscaloosa City Board of Education shall serve as co-chairmen of the committee, and they shall call for the times, dates and locations of committee meetings; and the following persons shall be members of the committee: Mr. Mark Perkins, Mr. William Lanford, Mr. Charles Land, Mr. Jimmie Clements, Mr. James Horton, Mrs. Sadie Mallisham, Mrs. Jean Kelley, Mr. Leroy McAbee, Mr. Johnny Wiggins, Dr. Harrold Bishop, Mr. Sylvester Croom, Mr. Johnny Wyatt, Dr. Malcolm Portera, Dr. Don Rose, and Mr. Webb Sartain. Vacancies shall be filled jointly by the co-chairmen.

BE IT FURTHER RESOLVED, That the committee shall study all aspects of public education in Tuscaloosa County and shall make a comprehensive report on its findings and suggestions for improvement, to be completed as soon as possible, in no event later than January 1, 1984.

The report shall be bound and presented to each member of the Tuscaloosa County legislative delegation, to the Tuscaloosa County and City Boards of Education and a copy shall be placed in the Tuscaloosa County library and in the education library at the University of Alabama.

RESOLVED FURTHER, That the committee is authorized to employ any clerical, technical or consultant help they deem necessary, and the expenses of the committee shall be paid equally by the county and city boards of education.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF APPOINTMENT

The Senate proceeded to further consideration of the appointment of Brigadier General William A. Jackson to the rank of Major General, as Commander, Troop Command, AL ARNG. The question was on the motion of Senator Hilliard to postpone temporarily.

Senator Pearson moved that the appointment be re-committed to the Standing Committee on Rules.

#### BILLS ON THIRD READING

Senator Dixon requested and received permission to suspend the Rules in order to bring up the Bill:

H. 587. To make an appropriation from the State General Fund for the relief of John W. Bailey who contracted Histoplasmosis in line of duty and was forced to retire from employment with the State of Alabama.

And said Bill, H. B. 587, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Menton
Aldridge	Cabaniss	Goodwin	Mitchell
Amari	Cooley	Harrison	Mitchem
Bailey	Corbett	Holmes	Parsons
Barron	Covington	Keener	Pearson
Bedford	Denton	Kirkland	Smith (B)
Bedsole	Dixon	Little	

—26

Nays:

—0

### RESOLUTIONS

Senator Amari offered the following Senate Resolution, to-wit:

S. R. 336. COMMENDING THE REVEREND BOB SMITH, PASTOR OF PARKWAY CHRISTIAN FELLOWSHIP CHURCH.

Which was adopted.

Senator Bedford offered the following Senate Resolutions, to-wit:

S. R. 337. COMMENDING THE REVEREND ARCHIE NALLS, RECENT GRADUATE OF HOWARD COLLEGE EXTENSION DIVISION OF SAMFORD UNIVERSITY.

Also:

S. R. 338. COMMENDING MRS. MARGARET CANNON OF FAYETTE, ALABAMA, FOSTER MOTHER OF THE YEAR.

Which were adopted.

Senator Denton offered the following Senate Resolution, to-wit:

S. R. 339. MOURNING THE DEATH OF GREGORY EDWARD AYERS OF TUSCUMBIA, ALABAMA.

Which was adopted.

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 340. COMMENDING MR. WALLACE STEELE OF ATHENS, ALABAMA.

Which was adopted.

### FURTHER CONSIDERATION OF APPOINTMENT

The Senate proceeded to further consideration of the appointment of Brigadier General William A. Jackson to the rank of Major General, as Commander, Troop Command, AL ARNG. The question was on the motion of Senator Pearson that the appointment be re-committed to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 587. To make an appropriation from the State General Fund for the relief of John W. Bailey who contracted Histoplasmosis in line of duty and was forced to retire from employment with the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF APPOINTMENT**

The Senate proceeded to further consideration of the appointment of Brigadier General William A. Jackson to the rank of Major General, as Commander, Troop Command, AL ARNG. The question was on the motion of Senator Pearson that the appointment be re-committed to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 236. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

and Conference Report being in words and figures as follows:

**REPORT OF COMMITTEE ON CONFERENCE ON HOUSE  
BILL 236**

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill 236 have met, considered the matter, and agreed to the following:

Substitute for H. B. 236 is attached.

TOM COBURN,  
JOHN CASEY,  
JIMMY HOLLEY,  
Conferees of the House.  
HINTON MITCHEM,  
CHARLES BISHOP,  
BOBBY DENTON,  
Conferees of the Senate.

**CONFERENCE COMMITTEE REPORT ON H. B. 236  
A BILL  
TO BE ENTITLED  
AN ACT**

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1983-84 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the



Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

2A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC  
ACCOUNTS, DEPARTMENT OF:

(a) Legislative Support-Audit Services Program .....	3,650,000
--	-----------

The appropriation to the Examiners of Public Accounts shall include a transfer to the State Personnel Department of \$8,220.

SOURCE OF FUNDS:

(1) State General Fund .....	3,650,000
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Total Department of Examin- ers of Public Accounts .....	3,650,000	3,650,000

## 2. LEGISLATIVE COUNCIL:

(a) Legislative Operations and Support Program .....		180,000
---	--	---------

(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature.)

## SOURCE OF FUNDS:

(1) State General Fund .....	180,000	

Total Legislative Council .....	180,000	180,000

## 3. LEGISLATIVE FISCAL OFFICE:

(a) Legislative Operations and Support Program .....		449,675
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## SOURCE OF FUNDS:

(1) State General Fund .....	449,675	

Total Legislative Fiscal Office ..	449,675	449,675

## 4. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program .....		725,000
---	--	---------

The appropriation to the Legislative Reference Service shall include a transfer to the State Personnel Department of \$502.

## SOURCE OF FUNDS:

(1) State General Fund .....	725,000	

Total Legislative Reference Service .....	725,000	725,000

## 5. LEGISLATURE:

(a) Senate Operations and Support Program .....		1,214,495
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(b) House Operations and Support Program .....	1,821,743
--	-----------

**SOURCE OF FUNDS:**

(1) State General Fund .....	3,036,238	
<hr/>		
Total Legislature .....	3,036,238	3,036,238
<hr/>		

**6. LEGISLATURES, NATIONAL  
CONFERENCE OF STATE:**

(a) Legislative Operations and Support Program .....	53,359
--	--------

**SOURCE OF FUNDS:**

(1) State General Fund .....	53,359	
<hr/>		
Total National Conference of State Legislatures .....	53,359	53,359
<hr/>		

**B. JUDICIAL:**

**1. COURT OF CIVIL APPEALS:**

(a) Court Operations Program .....	791,160
------------------------------------	---------

**SOURCE OF FUNDS:**

(1) State General Fund .....	791,160	
<hr/>		
Total Court of Civil Appeals ..	791,160	791,160
<hr/>		

**2. COURT OF CRIMINAL  
APPEALS:**

(a) Court Operations Program .....	1,243,209
------------------------------------	-----------

**SOURCE OF FUNDS:**

(1) State General Fund .....	1,243,209	
<hr/>		
Total Court of Criminal Appeals .....	1,243,209	1,243,209
<hr/>		

**3. JUDICIAL INQUIRY  
COMMISSION:**

(a) Administrative Services Program .....	73,511
---	--------

**SOURCE OF FUNDS:**

(1) State General Fund .....	73,511	
<hr/>		
Total Judicial Inquiry Commission .....	73,511	73,511
<hr/>		

4. JUDICIAL RETIREMENT  
SYSTEM:

(a) Retirement Systems Program . . . . . 1,216,200

## SOURCE OF FUNDS:

(1) State General Fund . . . . . 1,216,200

Total Judicial Retirement Sys- tem . . . . .	1,216,200	1,216,200
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## 5. SUPREME COURT:

(a) Court Operations Program . . . . . 3,062,524

## SOURCE OF FUNDS:

(1) State General Fund . . . . . 3,047,524

(2) Federal, Local and Miscel-  
laneous Funds . . . . . 15,000

Total Supreme Court . . . . .	3,047,524	15,000	3,062,524
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## 6. UNIFIED JUDICIAL SYSTEM:

(Administrative Office of Courts)

(a) Court Operations Program . . . . . 43,231,519

(b) Administrative Services Pro-  
gram . . . . . 3,171,701(c) Judicial Education and Train-  
ing Program . . . . . 300,000

## SOURCE OF FUNDS:

(1) State General Fund . . . . . 46,703,220

Total Unified Judicial System . . . . .	46,703,220	46,703,220
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## C. EXECUTIVE

1. ACADEMY OF HONOR,  
ALABAMA:(a) Historical Resources Manage-  
ment Program . . . . . 850

## SOURCE OF FUNDS:

(1) State General Fund as  
provided in Title 41,  
Chapter 11, Section 6,  
1975 Code of Alabama . . . . . 850

Total Alabama Academy of Honor . . . . .	850	850
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**2. ACCOUNTANCY, ALABAMA  
STATE BOARD OF PUBLIC:**

- |  |         |
|--|---------|
| (a) Professional and Occupational<br>Licensing and Regulation Pro-<br>gram ..... | 246,065 |
|--|---------|

**SOURCE OF FUNDS:**

- |   |         |
|---|---------|
| (1) Alabama State Board of<br>Public Accountancy Fund | 246,065 |
|---|---------|

As provided in Title 34,  
Chapter 1, Section 22,  
1975 Code of Alabama. In  
addition to the amounts  
appropriated hereinabove  
to the State Board of Pub-  
lic Accountancy, there is  
hereby appropriated such  
an amount as may be nec-  
essary to pay the refund of  
any application for license  
which may have been re-  
jected by the Board or  
withdrawn by request of  
applicant.

Total Alabama State Board of Public Accountancy .....	246,065	246,065
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**3. ADJUSTMENT, BOARD OF:**

- |                                    |         |
|------------------------------------|---------|
| (a) Special Services Program ..... | 182,750 |
|------------------------------------|---------|

**SOURCE OF FUNDS:**

- |  |        |
|--|--------|
| (1) State General Fund for<br>the General Fund Contri-<br>bution to the total expen-<br>diture of \$350,000 pursu-<br>ant to Title 41, Chapter 9,<br>Section 73, 1975 Code of<br>Alabama ..... | 12,750 |
|--|--------|

- |  |         |
|--|---------|
| (2) State General Fund for<br>expenditures as provided<br>in Title 31, Chapter 3 and<br>Title 36, Chapter 30, Arti-<br>cle 1, 1975 Code of Ala-<br>bama, Estimated ..... | 170,000 |
|--|---------|

Total Board of Adjustment ...	182,750	182,750
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4. AERONAUTICS, DEPARTMENT  
OF:

- (a) Airport Development and  
Aeronautical Support Program 666,613

The appropriation to the Department of Aeronautics shall include a transfer to the State Personnel Department of \$314.

SOURCE OF FUNDS:

- (1) Airport Development  
Fund 666,613

As provided by Title 4,  
Chapter 2, Section 42,  
1975 Code of Alabama . . .

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Total Department of Aeronautics . . . . .	666,613	666,613
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5. AGING, COMMISSION ON:

- (a) Planning and Advocacy for  
Elderly Program 13,459,892

The appropriation to the Commission on Aging shall include a transfer to the State Personnel Department of \$1,004.

SOURCE OF FUNDS:

- (1) State General Fund-  
Transfer 837,432
- (2) Federal, Local and Miscellaneous Funds 12,622,460

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Total Commission on Aging . . .	837,432	12,622,460	13,459,892
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6. AGRICULTURAL CENTER  
BOARD:

- (a) Agricultural Development Services Program 521,344

The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of \$753.

SOURCE OF FUNDS:

- (1) State General Fund 102,000

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For expense and awarding  
of prizes for fairs as pro-  
vided in Title 2, Chapter  
7, Article 2, 1975 Code of  
Alabama.

(2) State General Fund- Transfer .....	260,944		
(3) Livestock Coliseum Fund .....		158,400	
Total Agricultural Center Board .....	362,944	158,400	521,344

**7. AGRICULTURAL AND  
INDUSTRIAL EXHIBIT  
COMMISSION, ALABAMA:**

(a) Agricultural Development Ser- vices Program .....	26,714
--	--------

**SOURCE OF FUNDS:**

(1) State General Fund .....	26,714	
Total Alabama Agricultural and Industrial Exhibit Com- mission .....	26,714	26,714

**8. AGRICULTURE AND  
INDUSTRIES, DEPARTMENT  
OF:**

(a) Administrative Services Pro- gram .....	982,481
(b) Agricultural Inspection Ser- vices Program .....	9,499,486
(c) Laboratory Analysis and Dis- ease Control Program .....	2,762,514
(d) Agricultural Development Ser- vices Program .....	675,894
(e) Agricultural Arena .....	25,000

The appropriation to the De-  
partment of Agriculture and  
Industries shall include a  
transfer to the State Personnel  
Department of \$28,551.

**SOURCE OF FUNDS:**

(1) State General Fund- Transfer .....	5,944,718
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(2) Federal, Local and Miscellaneous Funds .....	1,243,657
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(3) Shipping Point Inspection Fund .....	4,557,000
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Pursuant to Title 2, Chapter 9, Sections 20 and 21, 1975 Code of Alabama. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(4) Agricultural Fund .....	2,200,000
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Total Department of Agriculture and Industries .....	5,944,718	8,000,657	13,945,375
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9. AIR TRANSPORTATION AND SERVICES, DEPARTMENT OF:

(a) Administrative Support Services Program .....	1,795,928
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SOURCE OF FUNDS:

(1) State General Fund-Transfer .....	1,695,928
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(2) Departmental Receipts .....	100,000
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Total Department of Air Transportation and Services ..	1,695,928	100,000	1,795,928
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10. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:



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(a) Alcoholic Beverage Management Program .....	22,413,093
(b) Licensing, Regulation and Enforcement Program .....	6,903,324
(c) Administrative Services Program .....	4,051,120

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of \$64,694, and to the Department of Mental Health of \$1,000,000.

**SOURCE OF FUNDS:**

(1) ABC Board Fund .....	33,367,537
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales opera-

tion. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board.....	33,367,537	33,367,537
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#### 11. ARCHITECTS, BOARD FOR REGISTRATION OF:

- (a) Professional and Occupational  
Licensing and Regulation Pro-  
gram .....

140,000

The appropriation to the Board for Registration of Architects shall include a transfer

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to the State Personnel Department of \$126.

**SOURCE OF FUNDS:**

(1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975 . . .	140,000	
<hr/>		
Total Board for Registration of Architects . . . . .	140,000	140,000
<hr/>		

**12. ARCHIVES AND HISTORY:**

(a) Historical Resources Management Program . . . . .	855,938
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The appropriation to Archives and History shall include a transfer to the State Personnel Department of \$2,886.

**SOURCE OF FUNDS:**

(1) State General Fund . . . . .	855,938	
<hr/>		
Total Archives and History . . .	855,938	855,938
<hr/>		

**13. ATTORNEY GENERAL, OFFICE  
OF THE:**

(a) Legal Advice and Legal Services Program . . . . .	4,368,558
(b) Fair Marketing Practices Program . . . . .	334,029

The appropriation to the Office of the Attorney General shall include a transfer to the State Personnel Department of \$9,350.

**SOURCE OF FUNDS:**

(1) State General Fund- Transfer . . . . .	3,702,812	
(2) Transfer from Pensions and Security . . . . .	511,457	
(3) Federal, Local and Miscellaneous Funds . . . . .	488,318	
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Total Office of the Attorney General .....	3,702,812	999,775	4,702,587

## 14. AUDITOR, STATE:

(a) Fiscal Management Program ..			696,231
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The appropriation to the State Auditor shall include a transfer to the State Personnel Department of \$1,569.

## SOURCE OF FUNDS:

(1) State General Fund .....	696,231		
Total State Auditor .....	696,231		696,231

15. BANKING DEPARTMENT,  
STATE:

(a) Charter, License, and Regulate Financial Institutions Program			2,148,790
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The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of \$3,075.

## SOURCE OF FUNDS:

(1) Banking Assessment Fees	1,683,100		
As provided in Title 5, Chapter 1, Section 5, 1975 Code of Alabama.			
(2) Bureau of Credit Unions .	201,700		
As provided in Title 5, Chapter 17, Article 7, and Chapter 2A, Article 5, 1975 Code of Alabama.			
(3) Loan Examination Fund .	263,990		
As provided in Title 5, Chapter 18, Sections 1-24, 1975 Code of Alabama.			
Total State Banking Department .....		2,148,790	2,148,790

16. BAR ASSOCIATION, ALABAMA  
STATE:

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(a) Professional and Occupational Licensing and Regulation Pro- gram .....	756,045
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**SOURCE OF FUNDS:**

(1) State Bar Association Fund, as provided in Title 34, Chapter 3 1975 Code of Alabama .....	756,045
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Total Alabama State Bar Asso- ciation .....	756,045	756,045
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**17. BEAR CREEK DEVELOPMENT  
AUTHORITY:**

(a) Water Resource Development Program .....	224,179
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**SOURCE OF FUNDS:**

(1) State General Fund .....	42,179	
(2) Federal, Local and Miscel- laneous Funds .....	182,000	

Total Bear Creek Development Authority .....	42,179	182,000	224,179
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**18. BRIERFIELD IRONWORKS  
PARK:**

(a) Outdoor Recreation Sites and Services Program .....	101,529
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**SOURCE OF FUNDS:**

(1) State General Fund .....	25,000	
(2) Federal, Local and Miscel- laneous Funds .....	76,529	

Total Brierfield Ironworks Park .....	25,000	76,529	101,529
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**19. BUILDING COMMISSION:**

(a) Special Services Program .....	791,289
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The appropriation to the Building Commission shall include a transfer to the State Personnel Department of \$1,192.

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**SOURCE OF FUNDS:**

(1) State General Fund- Transfer .....	150,000		
(2) Federal, Local and Miscel- laneous Funds .....		641,289	
		<hr/>	
Total Building Commission ...	150,000	641,289	791,289
		<hr/>	

**20. CAHABA ADVISORY  
COMMITTEE:**

(a) Historical Resources Manage- ment Program .....			21,250
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**SOURCE OF FUNDS:**

(1) State General Fund .....	21,250		
	<hr/>		
Total Cahaba Advisory Com- mittee .....	21,250		21,250
		<hr/>	

**21. CHIROPRACTIC EXAMINERS,  
ALABAMA STATE BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Pro- gram .....			36,500
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**SOURCE OF FUNDS:**

(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Divisions 1, 2 and 3, 1975 Code of Alabama .....		36,500	
	<hr/>		
Total Alabama State Board of Chiropractic Examiners .....		36,500	36,500
		<hr/>	

**22. EMERGENCY MANAGEMENT  
AGENCY, ALABAMA:**

(a) Readiness and Recovery Pro- gram .....			2,730,772
---	--	--	-----------

The appropriation to the Ala-  
bama Emergency Management  
Agency shall include a transfer  
to the State Personnel Depart-  
ment of \$2,008.

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**SOURCE OF FUNDS:**

(1) State General Fund- Transfer .....	710,021		
(2) Federal, Local and Miscel- laneous Funds .....		2,020,751	
Total Department of Civil De- fense .....	710,021	2,020,751	2,730,772

**23. CONSERVATION AND  
NATURAL RESOURCES,  
DEPARTMENT OF:**

(a) State Land Management Pro- gram.....	684,813
(b) Outdoor Recreation Sites and Services Program .....	10,293,594
(c) Marine Police Management Program .....	2,034,321
(d) Wildlife and Game Program ..	11,733,496

Of the above appropriation to the Wildlife and Game Program, \$875,000 shall be allocated for capital outlay purposes for construction and improvements for boat ramps on public streams and for construction and improvements on public fishing lakes.

(e) Marine Resources Management Program .....	1,358,410
(f) Land and Water Conservation Program .....	1,357,387
(g) Administrative Services Pro- gram .....	2,090,000
(h) Land Survey Program.....	264,564
(i) Landmarks Foundation of Dothan .....	50,000

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses. The appropriation to

the Department of Conservation and Natural Resources shall include such funds as are necessary for the maintenance, staff and repair of the Governor's official beach mansion. The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$40,975.

## SOURCE OF FUNDS:

- |   |            |
|---|------------|
| (1) Alabama Recreation Capital Development Fund . . . | 138,000    |
| (2) Game and Fish Fund . . .                          | 11,733,496 |
| (3) State Lands Fund . . . . .                        | 684,813    |

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

- |                               |           |
|-------------------------------|-----------|
| (4) Marine Resources Fund . . | 1,358,410 |
|-------------------------------|-----------|

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

- |                                  |           |
|----------------------------------|-----------|
| (5) Marine Police Fund . . . . . | 2,034,321 |
|----------------------------------|-----------|



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(6) State Parks Fund ..... 9,705,594

(7) Administrative Funds ..... 2,090,000

The funds hereinabove ap-  
propriated shall be pay-  
able as provided in Title 9,  
Chapter 2, Section 1, 1975  
Code of Alabama.

(8) Cigarette Tax ..... 500,000

(9) Land Survey Fund ..... 264,564

(10) Federal Land and Water  
Fund ..... 1,357,387

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Total Department of Conserva-  
tion and Natural Resources ... 29,866,585 29,866,585

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**24. CONTRACTORS, STATE  
LICENSING BOARD FOR  
GENERAL:**

(a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 265,845

The appropriation to the State  
Licensing Board for General  
Contractors shall include a  
transfer to the State Personnel  
Department of \$377.

**SOURCE OF FUNDS:**

(1) State Licensing Board for  
General Contractors Fund ..... 265,845

Pursuant to Title 34,  
Chapter 8, 1975 Code of  
Alabama. In addition to  
the amounts appropriated  
herein above to the State  
Licensing Board for Gen-  
eral Contractors there is  
hereby appropriated such  
an amount as may be nec-  
essary to pay the refund of  
any application for license  
which may have been re-  
jected by the Board or ap-  
plication withdrawn by re-  
quest of applicant.

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Total State Licensing Board for General Contractors .....	265,845	265,845
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**25. CORRECTIONS, DEPARTMENT  
OF:**

(a) Administrative Services and Logistical Support Program ...	6,633,600
(b) Institutional Services Correc- tions Program .....	62,606,370
(c) Correctional Industries Pro- gram .....	6,972,198

The appropriation to the De-  
partment of Corrections shall  
include a transfer to the State  
Personnel Department of  
\$99,268.

**SOURCE OF FUNDS:**

(1) State General Fund- Transfer .....	69,100,000
(2) Department of Corrections Fund .....	7,112,168

The Commissioner of Cor-  
rections is authorized to  
utilize funds herein appro-  
priated as matching con-  
tributions, where required  
and appropriate, to gener-  
ate additional funds which  
would effectively increase  
the appropriations for the  
Department of Correc-  
tions. Any such grant  
funds so generated and in  
direct support of the De-  
partment of Corrections'  
operations are also hereby  
appropriated.

Total Department of Correc- tions .....	69,100,000	7,112,168	76,212,168
--	------------	-----------	------------

**26. COSMETOLOGY, ALABAMA  
BOARD OF:**

- (a) Professional and Occupational

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Licensing and Regulation Program .....	408,000
--	---------

The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of \$565.

**SOURCE OF FUNDS:**

(1) Alabama Board of Cosmetology Fund .....	408,000
---	---------

As provided in Title 34,  
Chapter 7, 1975 Code of  
Alabama.

Total Alabama Board of Cosmetology .....	408,000	408,000
--	---------	---------

**27. COUNSELING, ALABAMA  
BOARD OF EXAMINERS IN:**

(a) Professional and Occupational Licensing and Regulation Program .....	39,400
---	--------

**SOURCE OF FUNDS:**

(1) Alabama Board of Examiners in Counseling Fund .....	39,400
---	--------

As provided in Title 34,  
Chapter 8A, 1975 Code of  
Alabama.

Total Alabama Board of Examiners in Counseling .....	39,400	39,400
--	--------	--------

**28. CRIMINAL JUSTICE  
INFORMATION SYSTEM,  
ALABAMA:**

(a) Criminal Justice Information Services Program .....	2,447,738
--	-----------

The appropriation to the Alabama Criminal Justice Information System shall include a transfer to the State Personnel Department of \$3,137.

**SOURCE OF FUNDS:**

(1) State General Fund- Transfer .....	1,942,838
---	-----------

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(2) Federal, Local and Miscellaneous Funds .....		504,900	
<hr/>			
Total Alabama Criminal Justice Information System .....	1,942,838	504,900	2,447,738
<hr/>			

**29. DEVELOPMENT OFFICE,  
ALABAMA:**

- |  |           |
|--|-----------|
| (a) Industrial Development Program ..... | 2,266,125 |
|--|-----------|

Of the above appropriation, not less than \$90,000 shall be expended for the preparation and implementation of a promotional campaign developed by the Bureau of Publicity and Information that will promote and improve the State's image regarding the expansion of existing businesses and the attraction of out-of-state industries.

- |   |         |
|---|---------|
| (b) Administrative Services Program - Office of Minority Business ..... | 145,135 |
|---|---------|

- |   |         |
|---|---------|
| (c) Alabama Film Commission - Promotional Development Program ..... | 186,428 |
|---|---------|

- |  |        |
|--|--------|
| (d) Data Processing and Word Processing Equipment for the Industrial Development Program ..... | 32,000 |
|--|--------|

The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of \$2,133.

**SOURCE OF FUNDS:**

- |   |           |
|---|-----------|
| (1) State General Fund-Transfer-Alabama Development Office .....  | 2,248,125 |
| (2) State General Fund-Transfer-Office of Minority Business ..... | 84,740    |
| (3) State General Fund-   |           |

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Transfer-Alabama Film Commission .....	186,428		
(4) Federal, Local and Miscel- laneous Funds .....		110,395	
<hr/>			
Total Alabama Development Office .....	2,519,293	110,395	2,629,688
<hr/>			

**30. DISTRICT ATTORNEYS:**

(a) Court Operations Program..... 8,454,377

The proposed spending plan  
included in the above total is  
as follows:

Salaries of District  
Attorneys ..... 1,965,171

Salary of elected  
Deputy District At-  
torney of the Bes-  
semer Division of  
the 10th Judicial  
Circuit ..... 49,516

For use of the  
Elected Assistant  
District Attorney of  
the Bessemer Divi-  
sion of the 10th Ju-  
dicial Circuit ..... 96,397

Salaries and ex-  
penses of Supernu-  
merary District At-  
torneys ..... 852,881

For use in the Dis-  
trict Attorney's Of-  
fice of the 1st Judi-  
cial Circuit ..... 83,135

For use in the Dis-  
trict Attorney's Of-  
fice of the 2nd Ju-  
dicial Circuit ..... 71,051

For use in the Dis-  
trict Attorney's Of-  
fice of the 3rd Judi-  
cial Circuit ..... 111,841

For use in the Dis-  
trict Attorney's Of-

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Office of the 4th Judicial Circuit . . . . . 329,889

For use in the District Attorney's Office of the 5th Judicial Circuit . . . . . 261,534

For use in the District Attorney's Office of the 6th Judicial Circuit . . . . . 228,396

For use in the District Attorney's Office of the 7th Judicial Circuit . . . . . 146,056

For use in the District Attorney's Office of the 8th Judicial Circuit . . . . . 109,178

For use in the District Attorney's Office of the 9th Judicial Circuit . . . . . 103,404

For use in the District Attorney's Office of the 10th Judicial Circuit . . . . . 350,746

For use in the District Attorney's Office of the 11th Judicial Circuit . . . . . 89,833

For use in the District Attorney's Office of the 12th Judicial Circuit . . . . . 191,621

For use in the District Attorney's Office of the 13th Judicial Circuit . . . . . 336,934

For use in the District Attorney's Office of the 14th Judicial Circuit . . . . . 94,632

For use in the District Attorney's Of-

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Office of the 15th Judicial Circuit . . . . . 334,225

For use in the District Attorney's Office of the 16th Judicial Circuit . . . . . 152,126

For use in the District Attorney's Office of the 17th Judicial Circuit . . . . . 57,700

For use in the District Attorney's Office of the 18th Judicial Circuit . . . . . 168,258

For use in the District Attorney's Office of the 19th Judicial Circuit . . . . . 99,893

For use in the District Attorney's Office of the 20th Judicial Circuit . . . . . 146,405

For use in the District Attorney's Office of the 21st Judicial Circuit . . . . . 111,586

For use in the District Attorney's Office of the 22nd Judicial Circuit . . . . . 94,713

For use in the District Attorney's Office of the 23rd Judicial Circuit . . . . . 245,404

For use in the District Attorney's Office of the 24th Judicial Circuit . . . . . 88,756

For use in the District Attorney's Office of the 25th Judicial Circuit . . . . . 84,313

For use in the District Attorney's Of-

for use in the District Attorney's Office of the 26th Judicial Circuit . . . . . 148,831

For use in the District Attorney's Office of the 27th Judicial Circuit . . . . . 112,972

For use in the District Attorney's Office of the 28th Judicial Circuit . . . . . 108,894

For use in the District Attorney's Office of the 29th Judicial Circuit . . . . . 142,720

For use in the District Attorney's Office of the 30th Judicial Circuit . . . . . 143,646

For use in the District Attorney's Office of the 31st Judicial Circuit . . . . . 87,055

For use in the District Attorney's Office of the 32nd Judicial Circuit . . . . . 85,830

For use in the District Attorney's Office of the 33rd Judicial Circuit . . . . . 80,642

For use in the District Attorney's Office of the 34th Judicial Circuit . . . . . 43,139

For use in the District Attorney's Office of the 35th Judicial Circuit . . . . . 58,551

For use in the District Attorney's Office of the 36th Judicial Circuit . . . . . 71,495

For use in the District Attorney's Of-



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Office of the 37th Judicial Circuit ..... 95,476

For use in the District Attorney's Office of the 38th Judicial Circuit ..... 108,468

For use in the District Attorney's Office of the 39th Judicial Circuit ..... 38,947

Appropriations of Salaries of Personnel Established by Statute are estimated. Travel Expense of District Attorneys ..... 72,117

8,454,377

**SOURCE OF FUNDS:**

(1) State General Fund ..... 8,454,377

Total District Attorneys .....	8,454,377	8,454,377
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**31. ECONOMIC AND COMMUNITY AFFAIRS, DEPARTMENT OF:**

(a) State Planning Program .....	49,998,170
(b) Special Services Program .....	23,056,200
(c) Skills Enhancement and Employment Opportunities Program .....	64,144,423
(d) Energy Management Program .....	4,400,732
(e) Traffic Control and Accident Prevention Program .....	2,611,228
(f) Law Enforcement Planning and Development Program .....	1,900,680

Of the above appropriation to the Law Enforcement Planning and Development Program, \$40,000 shall be allocated to the Marshall County Attention Home.

The appropriation to the Department of Economic and

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Community Affairs shall include a transfer to the State Personnel Department of \$12,612.

SOURCE OF FUNDS:

(1) State General Fund- Transfer-State Planning and Federal Programs . . .	2,898,136		
(2) State General Fund- Transfer-Energy Division .	529,732		
(3) State General Fund- Transfer-Highway and Traffic Safety . . . . .	168,378		
(4) State General Fund- Transfer-Law Enforce- ment Planning Division . .	279,338		
(5) Federal, Local and Miscel- laneous Funds . . . . .	142,235,849		
<hr/>			
Total Department of Economic and Community Affairs . . . . .	3,875,584	142,235,849	146,111,433
<hr/>			

32. ENGINEERS AND LAND  
SURVEYORS, STATE BOARD OF  
REGISTRATION FOR  
PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Pro- gram . . . . .	296,579
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The appropriation to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of \$251.

SOURCE OF FUNDS:

(1) Professional Engineers' Fund . . . . .	296,579
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As provided in Title 34,  
Chapter 11, Section 36,  
1975 Code of Alabama as  
amended.

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Total State Board of Registra-  
tion for Professional Engineers

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and Land Surveyors ..... 296,579 296,579

33. ENVIRONMENTAL  
MANAGEMENT, DEPARTMENT  
OF:

(a) Environmental Management  
Program ..... 7,604,113

The appropriation to the De-  
partment of Environmental  
Management shall include a  
transfer to the State Personnel  
Department of \$11,609.

SOURCE OF FUNDS:

(1) State General Fund-  
Transfer ..... 2,049,318

(2) Environmental Manage-  
ment Fund ..... 5,554,795

As provided in Title 22,  
Chapter 22A, Section 11,  
1975 Code of Alabama as  
amended.

Total Department of Environ-  
mental Management ..... 2,049,318 5,554,795 7,604,113

34. ETHICS COMMISSION,  
ALABAMA:

(a) Regulation of Public Officials  
and Employees Program ..... 196,940

The appropriation to the Eth-  
ics Commission shall include a  
transfer to the State Personnel  
Department of \$502.

SOURCE OF FUNDS:

(1) State General Fund ..... 196,940

Total Alabama Ethics Commis-  
sion ..... 196,940 196,940

35. FARMERS' MARKET  
AUTHORITY:

(a) Agricultural Development Ser-  
vices Program ..... 188,106

The appropriation to the

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Farmers' Market Authority shall include a transfer to the State Personnel Department of \$188.

**SOURCE OF FUNDS:**

(1) State General Fund- Transfer For Administration .....	73,106		
(2) Farmers' Market Authority Fund-Revenue and Capital Outlay Account .....		115,000	
<b>Total Farmers' Market Authority .....</b>	<b>73,106</b>	<b>115,000</b>	<b>188,106</b>

**36. FINANCE, DEPARTMENT OF:**

(a) Fiscal Management Program ..	2,513,273
(b) Administrative Support Services Program .....	3,509,445

The appropriation to the Finance Department shall include a transfer to the State Personnel Department of \$32,943.

**SOURCE OF FUNDS:**

(1) State General Fund .....	6,008,335		
(2) Miscellaneous Funds .....		14,383	
<b>Total Department of Finance ..</b>	<b>6,008,335</b>	<b>14,383</b>	<b>6,022,718</b>

**37. FORENSIC SCIENCES,  
DEPARTMENT OF:**

(a) Forensic Science Services Program .....	3,594,519
---	-----------

The appropriation to the Alabama Department of Forensic Sciences shall include a transfer to the State Personnel Department of \$4,769.

**SOURCE OF FUNDS:**

(1) State General Fund .....	3,503,449		
(2) Federal, Local and Miscellaneous Funds .....		91,070	

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Total Department of Forensic Sciences .....	3,503,449	91,070	3,594,519
	<hr/>		

**38. FOREIGN TRADE RELATIONS  
COMMISSION:**

(a) Special Services Program .....	50,000
------------------------------------	--------

The appropriation to the Foreign Trade Relations Commission shall include a transfer to the State Personnel Department of \$126.

**SOURCE OF FUNDS:**

(1) State General Fund .....	50,000
------------------------------	--------

Total Foreign Trade Relations Commission .....	50,000	50,000
	<hr/>	

**39. FORESTERS, ALABAMA STATE  
BOARD OF REGISTRATION  
FOR:**

(a) Professional and Occupational Licensing and Regulation Program .....	17,900
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**SOURCE OF FUNDS:**

(1) Professional Foresters' Fund .....	17,900
--	--------

As provided in Title 34, Chapter 12, 1975 Code of Alabama.

Total Alabama State Board of Registration for Foresters .....	17,900	17,900
	<hr/>	

**40. FORESTRY COMMISSION,  
ALABAMA:**

(a) Regional Operations Program ..	9,169,682
(b) Forest Resource Planning and Development Program .....	2,701,191
(c) Executive Administration Program .....	387,111
(d) Administrative Services Program .....	1,562,313

The appropriation to the Ala-

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hama Forestry Commission shall include a transfer to the State Personnel Department of \$26,794.

SOURCE OF FUNDS:

(1) State General Fund- Transfer .....	7,705,297		
(2) Federal and Local Funds ..		2,065,000	
(3) Forestry Commission Fund .....		4,050,000	

Of the above appropriations, \$550,000 shall be used for rural and community fire protection.

Of the above appropriations, \$100,000 shall be expended for aircraft replacement for District 9.

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Total Alabama Forestry Commission .....	7,705,297	6,115,000	13,820,297
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41. FUNERAL SERVICES,  
ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program .....			98,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund .....		98,000	
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As provided in Title 34,  
Chapter 13, 1975 Code of  
Alabama .....

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Total Alabama Board of Funeral Service .....		98,000	98,000
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42. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program .....			2,002,470
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The appropriation to the Geo-

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logical Survey shall include a transfer to the State Personnel Department of \$3,828.

**SOURCE OF FUNDS:**

(1) State General Fund .....	1,172,165		
(2) Federal, Local and Miscellaneous Funds .....		830,305	
Total Geological Survey .....	1,172,165	830,305	2,002,470

**43. GORGAS MEMORIAL BOARD:**

(a) Historical Resources Management Program .....			9,545
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**SOURCE OF FUNDS:**

(1) State General Fund .....	8,245		
As provided in Title 41, Chapter 9, Section 220, 1975 Code of Alabama and an additional amount.			
(2) Federal, Local and Miscellaneous Funds .....		1,300	
Total Gorgas Memorial Board .....	8,245	1,300	9,545

**44. GOVERNOR'S OFFICE:**

(a) Executive Direction Program .....			1,215,176
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The appropriation to the Governor's Office shall include a transfer to the State Personnel Department of \$3,263.

**SOURCE OF FUNDS:**

(1) State General Fund .....	1,215,176		
Total Governor's Office .....	1,215,176		1,215,176

**45. GOVERNOR'S OFFICE-LEGAL:**

(a) Executive Direction Program .....			102,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	102,000		
Total Governor's Office-Legal .....	102,000		102,000

46. GOVERNOR'S CONTINGENCY  
FUND:

(a) Executive Direction Program . . . . .		299,368	
SOURCE OF FUNDS:			
(1) State General Fund . . . . .	299,368		
Total Governor's Contingency Fund . . . . .	299,368		299,368

## 47. GOVERNOR'S MANSION:

(a) Executive Direction Program . . . . .		176,846	
SOURCE OF FUNDS:			
(1) State General Fund . . . . .	176,846		
Total Governor's Mansion . . . . .	176,846		176,846

48. GOVERNOR'S MANSION  
ADVISORY BOARD:

(a) Historical Resources Management Program . . . . .			8,500
SOURCE OF FUNDS:			
(1) State General Fund-Transfer . . . . .	8,500		
Total Governor's Mansion Advisory Board . . . . .	8,500		8,500

49. GOVERNOR'S VOLUNTARY  
CITIZEN PARTICIPATION:

(a) Executive Direction Program . . . . .		59,000	
SOURCE OF FUNDS:			
(1) Federal Funds . . . . .	59,000		
Total Governor's Voluntary Citizen Participation . . . . .	59,000		59,000

50. HEALTH, DEPARTMENT OF  
PUBLIC:

(a) Administrative Services Program . . . . .		5,201,022	
(b) Health Support Services Program . . . . .		49,164,871	



Of this amount \$6,577,885 shall go to support local health department services of which \$3,685,000 shall be used to provide a minimum staff in each of the sixty-seven counties, and the remaining amount shall be distributed on a one-to-one match with locally appropriated funds for the support of local health services on a per capita basis. At the end of the first quarter, any unmatched funds may be distributed to other counties with appropriate matching funds.

(c) Clinical Health Services Program ..... 36,995,590

The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$113,764.

SOURCE OF FUNDS:

(1) State General Fund .....	15,532,619
(2) Cigarette Tax-\$.01 .....	1,232,180
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.	
(3) Cigarette Tax-\$.02 .....	2,064,334
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.	
(4) Vital Statistics Fund ....	1,553,786
(5) Hospital Licensing Fund ..	205,000
(6) Emergency Medical Services Fund .....	165,738
As provided in Title 22, Chapter 18, Sections 1 through 7, 1975 Code of Alabama.	
(7) Local Health Departments	31,770,925
(8) Nuclear Monitoring Fund	90,000
(9) Miscellaneous Funds .....	2,849,611

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(10) Federal Funds .....		35,897,290	
<hr/>			
Total Department of Public Health .....	15,532,619	75,828,864	91,361,483
<hr/>			

51. HEALTH PLANNING AND  
DEVELOPMENT AGENCY,  
STATE:

- (a) Health Planning, Development and Regulation Program ..... 1,580,548

The appropriation to State Health Planning and Development Agency shall include a transfer to the State Personnel Department of \$1,380.

SOURCE OF FUNDS:

- |  |         |           |  |
|--|---------|-----------|--|
| (1) State General Fund-Transfer .....            | 235,629 |           |  |
| (2) Federal, Local and Miscellaneous Funds ..... |         | 1,344,919 |  |
| <hr/>  |         |           |  |

Total State Health Planning and Development Agency .....	235,629	1,344,919	1,580,548
<hr/>			

52. HEARING AID DEALERS,  
ALABAMA BOARD OF:

- (a) Professional and Occupational Licensing and Regulation Program ..... 9,500

SOURCE OF FUNDS:

- |  |       |  |  |
|--|-------|--|--|
| (1) State Board of Health - Hearing Aid Fund ..... | 9,500 |  |  |
|--|-------|--|--|

As provided in Title 34,  
Chapter 14, Articles 1 and  
2, 1975 Code of Alabama.

Total Alabama Board of Hearing Aid Dealers .....		9,500	9,500
<hr/>			

53. HEATING AND AIR  
CONDITIONING  
CONTRACTORS, BOARD OF:

- (a) Professional and Occupational

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Licensing and Regulation Program .....	97,552
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**SOURCE OF FUNDS:**

(1) Heating and Air Conditioning Contractors Fund .....	97,552
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Total Board of Heating and Air Conditioning Contractors .....	97,552	97,552
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**54. ALABAMA HERITAGE TRUST FUND:**

(a) Alabama Heritage Trust Fund Expense Program .....	19,855
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**SOURCE OF FUNDS:**

(1) Heritage Trust Income .....	19,855
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Total Alabama Heritage Trust Fund .....	19,855	19,855
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**55. HIGHWAY DEPARTMENT:**

(a) Central Administration Program .....	8,028,851
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(b) Division and District Supervision Program .....	15,150,539
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(c) Operations & Support Services Program .....	6,351,192
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(d) Maintenance Program .....	77,352,133
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(e) Non-Programmatic Expenditures .....	41,220,821
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Proposed Spending Plan for the above (e) includes the following:

Debt Service ..... 40,855,309

Equipment - Other than Automotive .. 365,512

(f) Construction-Federal Aid Program .....	352,789,516
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Proposed Spending Plan for the above (f) includes the following:

Federal Aid Matching ..... 56,036,516

Non-Participating  
Work on Federal  
Projects ..... 1,000,000  
  
Federal Aid ..... 295,753,000

- |     |                               |           |
|-----|-------------------------------|-----------|
| (g) | Construction-State Program .. | 5,000,000 |
| (h) | Operations-Land and Buildings | 620,000   |

The appropriation to the Highway Department shall include a transfer to the State Personnel Department of \$230,789.

#### SOURCE OF FUNDS:

- |     |                                       |             |
|-----|---------------------------------------|-------------|
| (1) | State General Fund-<br>Transfer ..... | 75,000      |
| (2) | Public Road and Bridge<br>Fund .....  | 210,685,052 |
| (3) | Federal Aid .....                     | 295,753,000 |

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Highway Finance Corporation, a total of \$40,855,309 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h), of this section when-

ever such transfer shall be necessary to assure maximum utilization of Federal matching Funds which shall become available.

In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department.

- (1) the appropriations made for Debt Service in section (e) hereof shall be paid in full-
- (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State

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Highway Department all Federal Funds accruing thereto be expended only for the purpose for which such funds are made available.

Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department . . .	75,000	506,438,052	506,513,052
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56. HISTORIC CHATTAHOOCHEE COMMISSION:

(a) Historical Resources Management Program . . . . .			132,729
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SOURCE OF FUNDS:

(1) State General Fund . . . . .	79,929		
(2) Federal, Local and Miscellaneous Funds . . . . .		52,800	

Total Historic Chattahoochee Commission . . . . .	79,929	52,800	132,729
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57. HISTORICAL COMMISSION, ALABAMA:

(a) Historical Resources Management Program . . . . .			2,229,177
(b) Historical Commission-Cahaba . . . . .			200,000

The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of \$2,447.

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**SOURCE OF FUNDS:**

(1) State General Fund- Transfer .....	587,908		
The State General Fund appropriation shall be distributed as follows:			
Historical Commission, Alabama .....	434,586		
Historical Commission, Alabama-La Grange .....	8,140		
Historical Commission, Alabama-Richmond P. Hobson Memorial Board .....	5,994		
Historical Commission, Alabama-Fort Morgan .....	105,938		
Historical Commission, Alabama-Fort Toulouse .....	21,250		
Historical Commission, Alabama-John T. Morgan House, Selma .....	12,000		
(2) Federal, Local and Miscellaneous Funds .....		1,841,269	
Total Alabama Historical Commission .....	587,908	1,841,269	2,429,177

**58. INDUSTRIAL RELATIONS,  
DEPARTMENT OF:**

(a) Skills Enhancement and Employment Opportunities Program .....	16,877,311
(b) Unemployment Compensation Program .....	15,588,016
(c) Administrative Services Program .....	8,130,022
(d) Industrial Safety and Accident Prevention Program .....	4,822,611

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- (e) Employment and Social Opportunities Program ..... 362,959

The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$113,826.

**SOURCE OF FUNDS:**

(1) State General Fund .....	739,372		
(2) Federal, Local and Miscellaneous Funds .....		45,041,547	
<hr/>			
Total Department of Industrial Relations .....	739,372	45,041,547	45,780,919
<hr/>			

**59. INSURANCE BOARD, STATE EMPLOYEES':**

- (a) Administrative Support Services Program ..... 71,941

The appropriation to the State Employees' Insurance Board shall include a transfer to the State Personnel Department of \$126.

**SOURCE OF FUNDS:**

(1) State General Fund .....	71,941		
<hr/>			
Total State Employees' Insurance Board .....	71,941		71,941
<hr/>			

**60. INSURANCE, DEPARTMENT OF:**

- (a) Regulatory Services Program ..... 1,345,841

The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$3,765.

**SOURCE OF FUNDS:**

(1) State General Fund .....	1,061,697		
(2) Fire Marshals' Fund .....		284,144	

As provided in Title 24,  
Chapter 5, Article 1, 1975



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Code of Alabama.

Any balance in excess of  
\$50,000 at the end of the  
fiscal year shall be trans-  
ferred to the State Gen-  
eral Fund.

Total Department of Insurance	1,061,697	284,144	1,345,841
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**61. INTERIOR DESIGNERS,  
ALABAMA STATE BOARD OF  
REGISTRATION FOR:**

(a) Professional and Occupational Licensing and Regulation Pro- gram .....			4,200
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**SOURCE OF FUNDS:**

(1) Interior Designers Fund ..		4,200	
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Total Alabama State Board of Registration for Interior De- signers .....		4,200	4,200
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**62. LABOR, DEPARTMENT OF:**

(a) Regulatory Services Program ..			292,452
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The appropriation to the Labor  
Department shall include a  
transfer to the State Personnel  
Department of \$502.

**SOURCE OF FUNDS:**

(1) State General Fund .....	249,452		
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(2) Federal, Local and Miscel- laneous Funds .....		43,000	
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Total Department of Labor ...	249,452	43,000	292,452
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**63. LANDSCAPE ARCHITECTS,  
BOARD OF EXAMINERS OF:**

(a) Professional and Occupational Licensing and Regulation Pro- gram .....			10,975
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**SOURCE OF FUNDS:**

(1) Landscape Architects Fund .....	10,975	
As provided in Title 34, Chapter 17, 1975 Code of Alabama.		
Total Board of Examiners of Landscape Architects .....	10,975	10,975

**64. LIQUEFIED PETROLEUM GAS  
BOARD:**

- (a) Regulatory Services Program . 212,000

The appropriation to the Liquefied Petroleum Gas Board shall include a transfer to the State Personnel Department of \$502.

**SOURCE OF FUNDS:**

(1) Liquefied Petroleum Gas Board Fund .....	212,000	
Total Liquefied Petroleum Gas Board .....	212,000	212,000

**65. MEDICAID AGENCY, ALABAMA:**

- (a) Medical Assistance through  
Medicaid Program ..... 400,922,399

Of the above appropriation to the Alabama Medicaid Agency, \$1,100,000 shall be used to match federal funds to provide health care for unemployed indigents.

If matching funds are not available, this appropriation shall be used for other services provided by the Alabama Medicaid Agency upon approval of the Governor.

The appropriation to the Alabama Medicaid Agency shall include a transfer to the State Personnel Department of \$13,114.

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**SOURCE OF FUNDS:**

(1) State General Fund- Transfer .....	95,819,133		
(2) Transfer from Pensions and Security .....		435,000	
(3) Transfer from Mental Health .....		13,609,728	
(4) Federal, Local and Miscel- laneous Funds .....	291,058,538		
<hr/>			
Total Alabama Medicaid Agency .....	95,819,133	305,103,266	400,922,399
<hr/>			

**66. MENTAL HEALTH,  
DEPARTMENT OF:**

(a) Institutional Treatment and Care-Mental Illness Program .	72,260,295
(b) Institutional Treatment and Care-Mental Retardation Pro- gram .....	58,294,033
(c) Institutional Treatment and Care-Criminally Insane Pro- gram .....	2,788,372
(d) Non-Institutional Treatment and Care-Program .....	12,312,541
(e) Administrative Services Pro- gram .....	3,774,313
(f) Community Mental Health Program .....	18,500,000

It is the intent of the Legisla-  
ture that this appropriation be  
used to fund Community  
Mental Health Programs and  
that none of said appropriation  
be shifted to any other pro-  
gram.

The appropriation herein pro-  
vided shall be for the provision  
of community mental illness  
and substance abuse programs  
and services operated by  
Mental Health/Mental Retar-  
dation Boards created pursu-  
ant to Act 310 and certified by

the Department of Mental Health. In the event that no such program is certified by the Department of Mental Health in a particular catchment area, funds under this appropriation may be expended through other certified community programs in said catchment area.

Of the appropriation hereinabove made to the Department of Mental Health, there shall be at least \$4,700,000 expended for the treatment of rehabilitation for and education on alcohol and drug abuse.

The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of \$376,617.

#### SOURCE OF FUNDS:

(1) Special Mental Health Trust Fund .....	102,885,167
For Operations and Maintenance of the State Mental Health Department including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals.	
(2) Special Mental Health Trust Fund-Community Programs .....	13,713,215
(3) Transfer from ABC Profits .....	1,000,000
(4) Cigarette Tax - \$.01 .....	930,000
(5) Cigarette Tax - \$.02 .....	4,825,000
(6) Transfer from Pensions and Security-Title XX Funds-Community Programs .....	1,623,640

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(7) Federal, Local and Miscellaneous Funds .....	42,952,532	
<hr/>		
Total Department of Mental Health .....	167,929,554	167,929,554
<hr/>		

**67. MILITARY DEPARTMENT:**

(a) Military Operations Program ..	4,539,172
(b) Capital Outlay .....	374,500

The appropriation to the Military Department shall include a transfer to the State Personnel Department of \$9,036.

**SOURCE OF FUNDS:**

(1) State General Fund-Operations .....	1,308,849	
(2) State General Fund-Quarterly Allowances Headquarters-Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters .....	1,139,255	
(3) State General Fund-Transfer-Capital Outlay for Architect and Engineering Services and specifications and construction of facilities .....	374,500	
(4) State General Fund-Active Military Service .....	161,000	
(5) State General Fund-Transfer to Armory Commission .....	1,925,068	
(6) State General Fund-Dropping Allowance .....	5,000	
<hr/>		
Total Military Department ...	4,913,672	4,913,672
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**68. ARMORY COMMISSION OF  
ALABAMA:**

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(a) Military Operations Program . . . . . 3,088,943

SOURCE OF FUNDS:

(1) Transfer from Military Department . . . . .	1,925,068
(2) Federal, Local and Miscellaneous Funds . . . . .	1,163,875

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities.

Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama . . . . .	3,088,943	3,088,943
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69. NURSING HOME  
ADMINISTRATORS, BOARD OF  
EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program . . . . .	40,000
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The appropriation to the Board of Examiners of Nursing Home Administrators shall include a transfer to the State Personnel Department of \$63.

SOURCE OF FUNDS:

(1) Board of Examiners of

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Nursing Home Adminis- trators Fund .....	40,000
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As provided in Title 34,  
Chapter 20, 1975 Code of  
Alabama.

Total Board of Examiners of Nursing Home Administrators .....	40,000	40,000
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**70. OIL AND GAS BOARD:**

(a) Management and Regulation of Oil and Gas Exploration and Development Program .....	1,234,643
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The appropriation to the Oil  
and Gas Board shall include a  
transfer to the State Personnel  
Department of \$3,012.

**SOURCE OF FUNDS:**

(1) State General Fund .....	1,226,497	
(2) Federal, Local and Miscel- laneous Fund .....	8,146	
<hr/>		
Total Oil and Gas Board .....	1,226,497	8,146    1,234,643

**71. PARDONS AND PAROLES,  
BOARD OF:**

(a) Administration of Pardons and Paroles Program .....	6,831,119
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The appropriation to the  
Board of Pardons and Paroles  
shall include a transfer to the  
State Personnel Department of  
\$15,248.

**SOURCE OF FUNDS:**

(1) State General Fund .....	5,388,321	
(2) Probationers Upkeep Fund .....	1,350,060	
(3) Federal, Local and Miscel- laneous Funds .....	92,738	
<hr/>		
Total Board of Pardons and Paroles .....	5,388,321	1,442,798    6,831,119

72. PEACE OFFICERS' ANNUITY  
AND BENEFIT FUND,  
ALABAMA:

(a) Retirement Systems Program 203,664

The appropriation to the Alabama Peace Officers' Annuity and Benefit Fund shall include a transfer to the State Personnel Department of \$251.

## SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama .....

203,664

Total Alabama Peace Officers' Annuity and Benefit Fund .....

203,664

203,664

73. PENSIONS AND SECURITY,  
DEPARTMENT OF:

(a) Economic Assistance Program 165,558,816

(b) Social Services Program ..... 69,134,437

The appropriation to the Department of Pensions and Security shall include a transfer to the State Personnel Department of \$253,065.

## SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds .....	151,132,549
(2) ABC Profits .....	1,965,000
(3) Whiskey Tax .....	21,000,000
(4) Beer Tax .....	7,740,000
(5) Pension Residue .....	12,500,000
(6) Sales Tax .....	1,322,000
(7) Franchise Tax .....	11,000,000
(8) Contracts, Service Fees ..	150,000
(9) Child Support Collections ..	2,840,064
(10) Sales Tax for Food Stamps .....	16,000,000
(11) Cigarette Tax .....	4,420,000



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(12) Contractor's Gross Receipts Tax .....	3,000,000	
(13) Title XX Funds-Transfer to Mental Health .....	1,623,640	
<hr/>		
Total Department of Pensions and Security .....	234,693,253	234,693,253
<hr/>		

**74. PERSONNEL DEPARTMENT,  
STATE:**

(a) Administrative Support Program .....	1,830,727
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**SOURCE OF FUNDS:**

(1) Transfer from Department of Aeronautics .....	314
(2) Transfer from Commission on Aging .....	1,004
(3) Transfer from Agriculture and Industries .....	28,551
(4) Transfer from Agricultural Center Board .....	753
(5) Transfer from Alcoholic Beverage Control Board ..	64,694
(6) Transfer from Board of Registration for Architects .....	126
(7) Transfer from Archives and History .....	2,886
(8) Transfer from the Council on Arts and Humanities ..	627
(9) Transfer from the Office of the Attorney General ..	9,350
(10) Transfer from the State Auditor .....	1,569
(11) Transfer from State Banking Department .....	3,075
(12) Transfer from Finance-Alabama Building Authority .....	1,945
(13) Transfer from Finance-Alabama Building Finance Authority .....	1,694
(14) Transfer from Building Commission .....	1,192

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(15) Transfer from Civil Air Patrol .....	63
(16) Transfer from Civil Defense Department .....	2,008
(17) Transfer from Local Civil Defense .....	725
(18) Transfer from Conservation Department .....	40,975
(19) Transfer from State Licensing Board for General Contractors .....	377
(20) Transfer from Department of Corrections .....	99,268
(21) Transfer from Board of Cosmetology .....	565
(22) Transfer from Criminal Justice Information Center .....	3,137
(23) Transfer from Alabama Development Office .....	2,133
(24) Transfer from State Docks .....	37,210
(25) Transfer from Education .....	80,255
(26) Transfer from the Department of Economic and Community Affairs .....	12,612
(27) Transfer from Board of Registration for Professional Engineers and Land Surveyors .....	251
(28) Transfer from Ethics Commission .....	502
(29) Transfer from Examiners of Public Accounts .....	8,220
(30) Transfer from Farmer's Market Authority .....	188
(31) Transfer from Finance Department .....	32,943
(32) Transfer from Firefighters Personnel Standards and Education Commission ...	188
(33) Transfer from Foreign Trade Commission .....	126

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(34) Transfer from Department of Forensic Sciences .....	4,769
(35) Transfer from Forestry Commission .....	26,794
(36) Transfer from Geological Survey .....	3,828
(37) Transfer from Governor's Office .....	3,263
(38) Transfer from Department of Public Health .....	113,764
(39) Transfer from State Health Planning and De- velopment Agency .....	1,380
(40) Transfer from Highway Department .....	230,789
(41) Transfer from Alabama Historical Commission ...	2,447
(42) Transfer from Industrial Relations .....	113,826
(43) Transfer from Insurance Department .....	3,765
(44) Transfer from State Em- ployees' Insurance Board .	126
(45) Transfer from Department of Labor .....	502
(46) Transfer from Legislative Reference Service .....	502
(47) Transfer from Liquefied Petroleum Gas Board ....	502
(48) Transfer from Alabama Medicaid Agency .....	13,114
(49) Transfer from Department of Mental Health .....	376,617
(50) Transfer from Military Department .....	9,036
(51) Transfer from Board of Nursing .....	816
(52) Transfer from Examiners of Nursing Home Ad- ministrators .....	63

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(53) Transfer from Oil and Gas Board .....	3,012
(54) Transfer from Pardons and Paroles .....	15,248
(55) Transfer from Peace Officers' Annuity and Benefits Fund .....	251
(56) Transfer from Peace Officers' Standards and Training Commission .....	188
(57) Transfer from Department of Pensions and Security .....	253,065
(58) Transfer from Physical Fitness Commission .....	251
(59) Transfer from Board of Physical Therapy .....	63
(60) Transfer from Public Library Service .....	3,765
(61) Transfer from Department of Public Safety .....	74,294
(62) Transfer from Public Service Commission .....	7,781
(63) Transfer from Publicity and Information .....	3,514
(64) Transfer from Alabama Public Television Network .....	5,271
(65) Transfer from Real Estate Commission .....	941
(66) Transfer from Retirement System .....	6,024
(67) Transfer from Department of Revenue .....	62,372
(68) Transfer from Secretary of State .....	1,694
(69) Transfer from Securities Commission .....	1,318
(70) Transfer from Board of Social Work Examiners ..	63
(71) Transfer from Soil and Water Conservation Committee .....	314

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(72) Transfer from Surface Mining Reclamation Commission .....	2,949	
(73) Transfer from State Treasurer .....	2,698	
(74) Transfer from Department of Veterans Affairs .....	7,404	
(75) Transfer from Department of Youth Services .....	21,209	
(76) Transfer from Environmental Management .....	11,609	
<hr/>		
Total State Personnel Department .....	1,830,727	1,830,727
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**75. PHYSICAL THERAPY, BOARD  
OF:**

- (a) Professional and Occupational Licensing and Regulation Program .....
- 39,918

The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of \$63.

**SOURCE OF FUNDS:**

- (1) Physical Therapy Fund ..
- 39,918

As provided in Title 34,  
Chapter 24, Article 5, 1975  
Code of Alabama.

Total Board of Physical Therapy .....	39,918	39,918
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**76. POLYGRAPH EXAMINERS,  
BOARD OF:**

- (a) Professional and Occupational Licensing and Regulation Program .....
- 13,400

**SOURCE OF FUNDS:**

- (1) Board of Polygraph Examiners Fund .....
- 13,400

As provided in Title 34,  
Chapter 25, Section 5,

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1975 Code of Alabama as  
amended.

<b>Total Board of Polygraph Examiners</b> .....	13,400	13,400
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**77. PROSECUTION SERVICES,  
OFFICE OF:**

(a) <b>Prosecution, Training, Education and Management Program</b> .....		506,817
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**SOURCE OF FUNDS:**

(1) <b>Office of Prosecution Services Fund</b> .....	506,817	
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<b>Total Office of Prosecution Services</b> .....	506,817	506,817
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**78. PSYCHOLOGY, ALABAMA  
BOARD OF EXAMINERS IN:**

(a) <b>Professional and Occupational Licensing and Regulation Program</b> .....		24,970
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**SOURCE OF FUNDS:**

(1) <b>Board of Examiners in Psychology Fund</b> .....	24,970	
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As provided in Title 34,  
Chapter 26, 1975 Code of  
Alabama.

<b>Total Alabama Board of Examiners in Psychology</b> .....	24,970	24,970
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**79. PUBLIC SAFETY,  
DEPARTMENT OF:**

(a) <b>Traffic Control and Accident Prevention Program</b> .....		18,301,344
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(b) <b>Criminal Investigation Program</b> .....		3,915,914
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(c) <b>Driver's Licensing and Improvement Program</b> .....		7,313,229
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(d) <b>Public Safety Support Services Program</b> .....		5,495,399
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(e) Administrative Services Program .....	1,820,223
(f) Alabama Criminal Justice Training Center Program .....	1,089,983

The appropriation to the Department of Public Safety shall include a transfer to the State Personnel Department of \$74,294.

**SOURCE OF FUNDS:**

(1) State General Fund .....	37,936,092	
<hr/>		
Total Department of Public Safety .....	37,936,092	37,936,092
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**80. PUBLIC SERVICE COMMISSION:**

(a) Administrative Services Program .....	1,333,806
(b) Regulatory Program .....	3,703,911

The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$7,781.

**SOURCE OF FUNDS:**

(1) Public Service Commission Fund .....	4,866,282
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The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$800,000 shall be trans-

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ferred to the State General Fund.

(2) Federal Funds .....	171,435	
<hr/>		
Total Public Service Commission .....	5,037,717	5,037,717
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**81. PUBLICITY AND  
INFORMATION, BUREAU OF:**

- (a) Tourism and Travel Promotion Program ..... 2,441,867

The appropriation to the Bureau of Publicity and Information shall include a transfer to the State Personnel Department of \$3,514.

**SOURCE OF FUNDS:**

- (1) State General Fund-Transfer ..... 478,565
- (2) Lodgings Tax (\$.01) ..... 1,963,302

Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama.

Total Bureau of Publicity and Information .....	478,565	1,963,302	2,441,867
<hr/>			

**82. REAL ESTATE COMMISSION,  
ALABAMA:**

- (a) Professional and Occupational Licensing and Regulation Program ..... 605,428

The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of \$941.

**SOURCE OF FUNDS:**

- (1) Alabama Real Estate Commission Fund — as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures



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shall in no manner exceed  
the amounts hereby ap-  
propriated .....

605,428

Total Alabama Real Estate  
Commission .....

605,428

605,428

**83. REVENUE DEPARTMENT:**

- (a) State Revenue Administration  
Program .....

33,508,572

The appropriation to the Reve-  
nue Department shall include a  
transfer to the State Personnel  
Department of \$62,372.

**SOURCE OF FUNDS:**

- (1) State General Fund-  
Transfer as provided in  
Title 40, Chapter 7, Arti-  
cle 2, Division 1, 1975  
Code of Alabama, to main-  
tain a program for the  
equalization of ad valorem  
tax assessments .....

250,000

- (2) Transfer from the gross  
proceeds of Cigarette Tax  
Collections, Title 40,  
Chapter 25, Section 2 and  
23, 1975 Code of Alabama

454,734

- (3) Transfer from the gross  
proceeds of Financial In-  
stitution Excise Tax Col-  
lections .....

351,661

- (4) Transfer from the gross  
proceeds of the Forest  
Severance Tax Collections

206,146

- (5) Transfer from the gross  
proceeds of Gasoline Tax  
Collections .....

2,352,490

- (6) Transfer from the Income  
Tax Collections .....

7,842,644

- (7) Transfer from the gross  
proceeds of Motor Fuel  
Tax Collections .....

1,358,140

- (8) Transfer from the gross

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proceeds of Motor Vehicle License Collections . . . . .	1,373,297
(9) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax . . . . .	421,387
(10) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax . . . . .	1,036,793
(11) Transfer from the gross proceeds of Sales Tax Collections . . . . .	10,934,834
(12) Transfer from the gross proceeds of the Tobacco Tax Collections . . . . .	2,234,260
(13) Transfer from the gross proceeds of Use Tax Collections . . . . .	1,067,108
(14) Transfer from the gross proceeds of the Utility Tax Collections-as provided in Title 40, Chapter 21, 1975 Code of Alabama . . . . .	700,290
(15) Local Funds . . . . .	2,924,788

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for

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the collection of taxes or  
licenses.

Total Revenue Department . . .	250,000	33,258,572	33,508,572
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**84. REVENUE - BOARDS OF  
EQUALIZATION:**

(a) State Revenue Administration Program . . . . .	115,741
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**SOURCE OF FUNDS:**

(1) State General Fund . . . . .	115,741	
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Total Revenue-Boards of Equalization . . . . .	115,741	115,741
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**85. REVENUE - MOTOR VEHICLE  
LICENSE:**

(a) State Revenue Administration Program . . . . .	2,252,460
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**SOURCE OF FUNDS:**

(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags . . . . .	2,252,460	
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Total Revenue-Motor Vehicle License . . . . .	2,252,460	2,252,460
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**86. SECRETARY OF STATE:**

(a) Administrative Support Ser- vices Program . . . . .	674,952
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The appropriation to the Sec-  
retary of State shall include a  
transfer to the State Personnel  
Department of \$1,694.

**SOURCE OF FUNDS:**

(1) State General Fund . . . . .	674,952	
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Total Secretary of State . . . . .	674,952	674,952
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**87. SECURITIES COMMISSION:**

(a) Regulatory Services Program .	695,343
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The appropriation to the Se-

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curities Commission shall include a transfer to the State Personnel Department of \$1,318.

**SOURCE OF FUNDS:**

(1) State General Fund .....	406,518		
(2) Industrial Development Bond Notification Fund ..		139,678	
(3) Sales of Checks License Fund .....		8,000	
(4) Exemption Fund .....		141,147	
<hr/>			
Total Securities Commission ..	406,518	288,825	695,343
<hr/>			

**88. SOCIAL WORK EXAMINERS,  
ALABAMA STATE BOARD OF:**

- (a) Professional and Occupational Licensing and Regulation Program ..... 50,000

The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of \$63.

**SOURCE OF FUNDS:**

(1) Alabama State Board of Social Work Examiners Fund-as provided in Title 34, Chapter 30, 1975 Code of Alabama .....	50,000		
<hr/>			
Total Alabama State Board of Social Work Examiners .....		50,000	50,000
<hr/>			

**89. SOIL AND WATER  
CONSERVATION COMMITTEE,  
ALABAMA STATE:**

- (a) Water Resources Development Program ..... 739,702

The appropriation to Soil and Water Conservation Committee shall include a transfer to the State Personnel Department of \$314.

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**SOURCE OF FUNDS:**

(1) State General Fund .....	739,702	
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Total Alabama State Soil and Water Conservation Committee .....	739,702	739,702
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**90. SOUTHERN GROWTH POLICIES  
BOARD:**

(a) Special Services Program .....		21,505
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**SOURCE OF FUNDS:**

(1) State General Fund .....	21,505	
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Total Southern Growth Policies Board .....	21,505	21,505
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**91. SPACE SCIENCE EXHIBIT  
COMMISSION, ALABAMA:**

(a) Tourism and Travel Promotion Program .....		302,600
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**SOURCE OF FUNDS:**

(1) State General Fund-Capi- tal Outlay .....	302,600	
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Total Alabama Space Science Exhibit Commission .....	302,600	302,600
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**92. SPEECH PATHOLOGY AND  
AUDIOLOGY, ALABAMA BOARD  
OF EXAMINERS FOR:**

(a) Professional and Occupational Licensing and Regulation Pro- gram .....		17,600
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**SOURCE OF FUNDS:**

(1) Alabama Board of Exam- iners for Speech Pathology and Audiology Fund-as provided in Title 34, Chapter 28A, 1975 Code of Alabama .....	17,600	
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Total Alabama Board of Exam- iners for Speech Pathology and Audiology .....	17,600	17,600
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**93. SPORTS HALL OF FAME:**

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(a) Historical Resources Management Program .....	70,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	70,000	
Total Sports Hall of Fame .....	70,000	70,000

**94. SURFACE MINING**  
**RECLAMATION COMMISSION:**

(a) Industrial Safety and Accident Prevention Program .....	5,864,400
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The appropriation to the Surface Mining Reclamation Commission shall include a transfer to the State Personnel Department of \$2,949.

**SOURCE OF FUNDS:**

(1) Surface Mining Reclamation Commission Fund-as provided by Title 9, Chapter 16, Article 2, 1975 Code of Alabama. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission .....	5,864,400	
Total Surface Mining Reclamation Commission .....	5,864,400	5,864,400

**95. TANNEHILL HISTORICAL**  
**STATE PARK:**

(a) Historical Resources Management Program .....	562,500
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**SOURCE OF FUNDS:**

(1) State General Fund .....	212,500	
(2) Federal, Local and Miscellaneous Funds .....	350,000	
Total Tannehill Historical State Park .....	212,500	350,000
		562,500

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**96. TENNESSEE-TOMBIGBEE  
WATERWAY DEVELOPMENT  
AUTHORITY:**

(a) Water Resource Development Program .....			473,523
SOURCE OF FUNDS:			
(1) State General Fund .....	140,250		
As provided in Title 33, Chapter 8, 1975 Code of Alabama as amended.			
(2) Federal, Local and Miscellaneous Funds .....		333,273	
<hr/>			
Total Tennessee-Tombigbee Waterway Development Authority .....	140,250	333,273	473,523
<hr/>			

**97. TREASURER, STATE:**

(a) Fiscal Management Program ..			1,311,960
The appropriation to the State Treasurer shall include a transfer to the State Personnel Department of \$2,698.			
SOURCE OF FUNDS:			
(1) State General Fund .....	1,311,960		
<hr/>			
Total State Treasurer .....	1,311,960		1,311,960
<hr/>			

**98. UNIFORM STATE LAWS,  
COMMISSION ON:**

(a) Special Services Program, Estimated .....			3,525
SOURCE OF FUNDS:			
(1) State General Fund .....	3,525		
As Provided in Title 41, Chapter 9, Article 12, 1975 Code of Alabama.			
<hr/>			
Total Commission on Uniform State Laws, Estimated .....	3,525		3,525
<hr/>			

99. VETERANS AFFAIRS,  
DEPARTMENT OF:

(a) Administration of Veterans Affairs Program .....	2,331,599	
(b) Veteran's Home Study .....	60,000	

The appropriation to the Department of Veterans Affairs shall include a transfer to the State Personnel Department of \$7,404.

## SOURCE OF FUNDS:

(1) State General Fund .....	2,391,599	
<hr/>		
Total Department of Veterans Affairs .....	2,391,599	2,391,599
<hr/>		

## 100. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program .....	40,000	
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## SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund .....	40,000	
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As provided in Title 34, Chapter 29, 1975 Code of Alabama.

Total Alabama State Board of Veterinary Medical Examiners .....	40,000	40,000
<hr/>		

## 101. WOMEN'S COMMISSION, ALABAMA:

(a) Employment and Social Opportunities Program .....	7,650	
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## SOURCE OF FUNDS:

(1) State General Fund .....	7,650	
<hr/>		
Total Alabama Women's Commission .....	7,650	7,650
<hr/>		

## 102. WOMEN'S HALL OF FAME, ALABAMA:



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(a) Historical Resources Management Program .....	10,200
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**SOURCE OF FUNDS:**

(1) State General Fund .....	10,200
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Total Alabama Women's Hall of Fame .....	10,200	10,200
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**103. LIBRARY SERVICE, ALABAMA  
PUBLIC:**

(a) Public Library Service Program .....	100,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	100,000
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Total Alabama Public Library Service .....	100,000	100,000
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**D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENERAL FUND:**

**1. ADVERTISING LANDS FOR  
TAX SALE:**

(a) State Revenue Administration Program, Estimated .....	70,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	70,000
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Total Advertising Lands for Tax Sale .....	70,000	70,000
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**2. ARREST OF ABSCONDING  
FELONS:**

(a) Criminal Investigation Program, Estimated .....	65,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	65,000
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Total Arrest of Absconding Felons .....	65,000	65,000
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**3. AUTOMATIC APPEAL  
EXPENSE:**

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(a) Legal Advice and Legal Service Program, Estimated .....		250
SOURCE OF FUNDS:		
(1) State General Fund .....	250	
As provided in Title 12, Chapter 22, Sections 150 and 241, 1975 Code of Ala- bama .....		
Total Automatic Appeal Ex- pense .....		250
		250
4. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:		
(a) State Revenue Administration Program, Estimated .....		200
SOURCE OF FUNDS:		
(1) State General Fund .....	200	
Total Civil Court Costs in Con- nection with Ad Valorem Tax Assessments Appeals .....		200
		200
5. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES- NATIONAL CEMETERY:		
		112,000
For the acquisition of land in accordance with P.L. 88-578 (Land and Water Conservation Fund Act). Property will be ex- changed for space for National Cemetery.		
SOURCE OF FUNDS:		
(1) State General Fund .....	112,000	
Total Department of Conserva- tion and Natural Resources- National Cemetery .....		112,000
		112,000
6. CONSUMER UTILITY RATE HEARING:		
(a) Executive Direction Program ..		250,000

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**SOURCE OF FUNDS:**

(1) State General Fund ..... 250,000

As provided in Title 37,  
Chapter 1, Article 1, 1975  
Code of Alabama.

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Total Consumer Utility Rate Hearing .....	250,000	250,000
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**7. COURT COSTS-ACT NO. 558,  
1957:**

(a) Court Operations Program, Es-  
timated ..... 100

**SOURCE OF FUNDS:**

(1) State General Fund ..... 100

Pursuant to Act No. 558,  
1957, page 777.

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Total Court Costs-Act No. 558, 1957 .....	100	100
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**8. COURT-ASSESSED COST NOT  
OTHERWISE PROVIDED FOR:**

(a) Cost Assessed by State Courts  
Only Program, Estimated .... 731,685

It is the intent of the Legisla-  
ture that this appropriation be  
expended only for costs as-  
sessed by state courts.

**SOURCE OF FUNDS:**

(1) State General Fund ..... 731,685

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Total Court-Assessed Cost Not Otherwise Provided For .....	731,685	731,685
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**9. DISTRIBUTION OF PUBLIC  
DOCUMENTS:**

(a) Administrative Support Service  
Program, Estimated ..... 45,000

**SOURCE OF FUNDS:**

(1) State General Fund ..... 45,000

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Total Distribution of Public Documents .....	45,000	45,000
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## 10. ELECTION EXPENSES:

(a) Special Services Program, Estimated .....		1,410,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	1,410,000	
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Total Election Expenses .....	1,410,000	1,410,000
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11. EMERGENCY FUND,  
DEPARTMENTAL:

(a) Special Services Program .....		495,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	495,000	
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(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, 1975 Code of Alabama, and shall be the only amount appropriated and the total amount expended under the provisions of said section.)

Total Departmental Emergency Fund .....	495,000	495,000
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## 12. FEEDING OF PRISONERS:

(a) Institutional Services-Corrections Program, Estimated .....		3,500,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	3,500,000	
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For expenses of feeding prisoners in county jails

Total Feeding of Prisoners .....	3,500,000	3,500,000
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13. DEPARTMENT OF FINANCE-  
CAPITOL MOVING EXPENSES,  
ESTIMATED:

1,800,000

To be utilized to move all occupants in the State Capitol Building .....

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**SOURCE OF FUNDS:**

(1) State General Fund .....	1,800,000	
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Total Department of Finance- Capitol Moving Expenses, Esti- mated .....	1,800,000	1,800,000
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**14. DEPARTMENT OF FINANCE-  
FEMA, ESTIMATED:**

1,000,000

Payments of the State's share  
of Administration costs and  
matching grants furnished by  
the Federal Emergency Man-  
agement Agency

**SOURCE OF FUNDS:**

(1) State General Fund .....	1,000,000	
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Total Department of Finance- FEMA, Estimated .....	1,000,000	1,000,000
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**15. DEPARTMENT OF FINANCE-  
TELEPHONE REVOLVING  
FUND:**

400,000

**SOURCE OF FUNDS:**

(1) State General Fund .....	400,000	
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Total Department of Finance- Telephone Revolving Fund ...	400,000	400,000
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**16. FOREST FIRE FUND,  
EMERGENCY:**

(a) Forest Resource Protection Program .....	180,000
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**SOURCE OF FUNDS:**

(1) State General Fund- Transfer- As provided by Title 9, Chapter 30, Sec- tion 10, 1975 Code of Ala- bama .....	180,000	
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Total Emergency Forest Fire Fund .....	180,000	180,000
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**17. GOVERNORS' CONFERENCE,  
NATIONAL:**

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(a) Executive Direction Program .		75,550
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	75,550	
<hr/>		
Total National Governors' Conference . . . . .	75,550	75,550
<hr/>		
18. GOVERNOR'S COUNCILLOR:		
(a) Executive Direction Program .		19,700
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	19,700	
As provided in Title 36, Chapter 13, Section 13, 1975 Code of Ala.		
<hr/>		
Total Governor's Councillor . . . . .	19,700	19,700
<hr/>		
19. GOVERNOR'S PROCLAMATION EXPENSES:		
(a) Executive Direction Program, Estimated . . . . .		150,000
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	150,000	
<hr/>		
Total Governor's Proclamation Expenses . . . . .	150,000	150,000
<hr/>		
20. GOVERNOR'S WIDOWS RETIREMENT:		
(a) Executive Direction Program .		14,400
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	14,400	
<hr/>		
Total Governor's Widows Retirement . . . . .	14,400	14,400
<hr/>		
21. INTERPRETER'S ACCOUNT:		
(a) Court Support Services Program, Estimated . . . . .		1,700
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	1,700	
As provided in Title 12, Chapter 21, Sections 131-		

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134, 1975 Code of Ala-  
bama.

Total Interpreter's Account . . .	1,700	1,700
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**22. LAW ENFORCEMENT FUND:**

(a) Criminal Investigation Pro- gram . . . . .		100
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**SOURCE OF FUNDS:**

(1) State General Fund- Transfer . . . . .	100	
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Total Law Enforcement Fund .	100	100
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**23. LAW ENFORCEMENT LEGAL  
DEFENSE:**

(a) Legal Advice and Legal Ser- vices Program . . . . .		3,000
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**SOURCE OF FUNDS:**

(1) State General Fund . . . . .	3,000	
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To carry out provisions of  
Title 36, Chapter 21, Sec-  
tion 1, 1975 Code of Ala-  
bama.

Total Law Enforcement Legal Defense . . . . .	3,000	3,000
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**24. MAILING TAX NOTICES:**

(a) State Revenue Administration Program, Estimated . . . . .		100
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**SOURCE OF FUNDS:**

(1) State General Fund . . . . .	100	
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Total Mailing Tax Notices . . .	100	100
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**25. MENTAL HEALTH TRUST  
FUND, ALABAMA SPECIAL:**

35,500,000

**SOURCE OF FUNDS:**

(1) State General Fund- Transfer . . . . .	35,500,000	
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Total Alabama Special Mental Health Trust Fund.....		35,500,000	35,500,000
<hr/>			
26. POLICEMAN'S SURVIVOR TUITION ACT:			
(a) Support of Other Educational Activities Program, Estimated			5,000
SOURCE OF FUNDS:			
(1) State General Fund .....		5,000	
<hr/>			
Total Policeman's Survivor Tuition Act .....		5,000	5,000
<hr/>			
27. PRESIDENTIAL ELECTORAL EXPENSE:			
(a) Administration of Public Documents Program, Estimated ...			1,000
SOURCE OF FUNDS:			
(1) State General Fund .....		1,000	
<hr/>			
Total Presidential Electoral Expense .....		1,000	1,000
<hr/>			
28. PRINTING OF CODE SUPPLEMENT-LEGISLATIVE REFERENCE SERVICE:			
(a) Administration of Public Documents Program, Estimated ...			350,000
SOURCE OF FUNDS:			
(1) State General Fund .....		350,000	
<hr/>			
Total Printing of Code Supplement-Legislative Reference Service.....		350,000	350,000
<hr/>			
29. PRINTING CODES AND SUPPLEMENTS-SECRETARY OF STATE:			
(a) Administration of Public Documents Program, Estimated ...			150,000
SOURCE OF FUNDS:			
(1) State General Fund .....		150,000	
<hr/>			
Total Printing Codes and Supplements-Secretary of State ...		150,000	150,000
<hr/>			



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**30. PRINTING OF LEGISLATIVE  
ACTS AND JOURNALS:**

(a) Administrative Support Services Program, Estimated .....	410,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	410,000
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Total Printing of Legislative Acts and Journals .....	410,000	410,000
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**31. PRINTING OF STATE AND  
COUNTY PRIVILEGE  
LICENSES:**

(a) State Revenue Administration Program, Estimated .....	25,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	25,000
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Total Printing of State and County Privilege Licenses .....	25,000	25,000
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**32. PUBLIC DEFENDER:**

(a) Court Operations Program, Estimated .....	55,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	55,000
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For salary of Public Defender for the 21st Judicial Circuit, as provided by Title 15, Chapter 12, Section 43, 1975 Code of Alabama.

Total Public Defender .....	55,000	55,000
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**33. REGISTRATION OF VOTERS:**

(a) Special Services Program, Estimated .....	1,000,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	1,000,000
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Total Registration of Voters ..	1,000,000	1,000,000
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## 34. REMOVAL OF PRISONERS:

(a) Administrative Services and Logistical Support Program, Estimated .....	200,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	200,000
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Total Removal of Prisoners .....	200,000	200,000
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35. SOCIAL SECURITY-COUNTY  
JUDICIAL:

(a) Fringe Benefit Program, Esti- mated .....	300,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	300,000
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Total Social Security-County Judicial .....	300,000	300,000
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36. STATE GENERAL FUND,  
ESTIMATED:

66,680,284

## SOURCE OF FUNDS:

(1) Heritage Trust Income Fund Transfer. All income other than income realized on sale of Trust Fund as- sets and not otherwise ap- propriated herein. Esti- mated .....	66,680,284
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Total State General Fund, Estimated .....	66,680,284	66,680,284
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37. STATE TREASURER-PREVIOUS  
YEAR'S UNPAID WARRANTS:

(a) Special Services Program, Esti- mated .....	250,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	250,000
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Total State Treasurer-Previous Year's Unpaid Warrants .....	250,000	250,000
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**38. RECREATION CAPITAL  
DEVELOPMENT FUND,  
ALABAMA:**

138,000

**SOURCE OF FUNDS:**

(1) State General Fund-  
Transfer .....

138,000

**Total Alabama Recreation Cap-  
ital Development Fund .....**

138,000

138,000

**E. FINANCIAL ASSISTANCE TO NON-  
STATE AGENCIES:**

**1. ANNISTON SUBREGIONAL  
LIBRARY FOR THE BLIND AND  
PHYSICALLY HANDICAPPED:**

(a) Public Library Services Pro-  
gram .....

4,500

**SOURCE OF FUNDS:**

(1) State General Fund .....

4,500

**Total Anniston Subregional Li-  
brary for the Blind and Physi-  
cally Handicapped .....**

4,500

4,500

**2. APPALACHIAN REGIONAL  
COMMISSION:**

(a) Planning Program .....

189,970

**SOURCE OF FUNDS:**

(1) State General Fund .....

189,970

**Total Appalachian Regional  
Commission .....**

189,970

189,970

**3. ARMED FORCES DAY IN  
ALABAMA:**

(a) Historical Resources Manage-  
ment Program .....

836

**SOURCE OF FUNDS:**

(1) State General Fund .....

836

**Total Armed Forces Day in Al-  
abama .....**

836

836

**4. ARMY AVIATION MUSEUM,  
FORT RUCKER, AL:**

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(a) Historical Resources Management Program .....		75,000
SOURCE OF FUNDS:		
(1) State General Fund .....	75,000	
<hr/>		
Total Army Aviation Museum, Fort Rucker, AL .....	75,000	75,000
<hr/>		
5. ARTS HALL OF FAME, ALABAMA:		
(a) Fine Arts Program .....		4,500
SOURCE OF FUNDS:		
(1) State General Fund .....	4,500	
<hr/>		
Total Alabama Arts Hall of Fame .....	4,500	4,500
<hr/>		
6. AZALEA TRAIL FESTIVAL, MOBILE:		
(a) Tourism and Travel Promotion Program .....		1,556
SOURCE OF FUNDS:		
(1) State General Fund .....	1,556	
<hr/>		
Total Mobile Azalea Trail Festival .....	1,556	1,556
<hr/>		
7. BIG NANCE CREEK WATER MANAGEMENT DISTRICT:		
(a) Water Resource Development Program .....		1,400
SOURCE OF FUNDS:		
(1) State General Fund .....	1,400	
<hr/>		
Total Big Nance Creek Water Management District .....	1,400	1,400
<hr/>		
8. BIRMINGHAM CHAMBER MUSIC SOCIETY:		
(a) Fine Arts Program .....		1,556
SOURCE OF FUNDS:		
(1) State General Fund .....	1,556	
<hr/>		

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Total Birmingham Chamber Music Society .....		1,556	1,556
<hr/>			
9. BIRMINGHAM FESTIVAL OF ARTS, INC.:			
(a) Fine Arts Program .....			15,230
SOURCE OF FUNDS:			
(1) State General Fund .....		15,230	
		<hr/>	
Total Birmingham Festival of Arts, Inc. ....		15,230	15,230
		<hr/>	
10. BIRMINGHAM INTERNATIONAL EDUCATIONAL FILM FESTIVAL:			
(a) Fine Arts Program .....			7,500
SOURCE OF FUNDS:			
(1) State General Fund .....		7,500	
		<hr/>	
Total Birmingham International Educational Film Festival .....		7,500	7,500
		<hr/>	
11. BLUE AND GRAY ASSOCIATION, INC.:			
(a) Tourism and Travel Promotion Program .....			5,602
SOURCE OF FUNDS:			
(1) State General Fund .....		5,602	
		<hr/>	
Total Blue and Gray Association, Inc. ....		5,602	5,602
		<hr/>	
12. CHILTON COUNTY PEACH FESTIVAL:			
(a) Tourism and Travel Promotion Program .....			11,250
SOURCE OF FUNDS:			
(1) State General Fund .....		11,250	
		<hr/>	
Total Chilton County Peach Festival .....		11,250	11,250
		<hr/>	

13. CHOCCOLOCCO CREEK  
WATERSHED ASSOCIATION:

(a) Water Resource Development Program .....		2,183
SOURCE OF FUNDS:		
(1) State General Fund .....	2,183	
<hr/>		
Total Choccolocco Creek Watershed Association .....	2,183	2,183
<hr/>		

## 14. CIVIL AIR PATROL:

(a) Readiness and Recovery Program .....		40,000
SOURCE OF FUNDS:		
(1) State General Fund .....	40,000	
<hr/>		
Total Civil Air Patrol .....	40,000	40,000
<hr/>		

15. COOSA-ALABAMA RIVER  
IMPROVEMENT ASSOCIATION:

(a) Water Resource Development Program .....		7,784
SOURCE OF FUNDS:		
(1) State General Fund .....	7,784	
<hr/>		
Total Coosa-Alabama River Improvement Association .....	7,784	7,784
<hr/>		

16. COOSA RIVER ACTION  
COUNCIL, INC.:

(a) Water Resource Development Program .....		6,221
SOURCE OF FUNDS:		
(1) State General Fund .....	6,221	
<hr/>		
Total Coosa River Action Council, Inc. ....	6,221	6,221
<hr/>		

17. DEEP SEA FISHING RODEO,  
ALABAMA:

(a) Tourism and Travel Promotion Program .....		935
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**SOURCE OF FUNDS:**

(1) State General Fund .....	935	
<hr/>		
Total Alabama Deep Sea Fish- ing Rodeo .....	935	935
<hr/>		

**18. DORSE, MARY E.,  
RECREATIONAL AND  
EDUCATIONAL CENTER:**

(a) Special Services Program .....	3,638
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**SOURCE OF FUNDS:**

(1) State General Fund .....	3,638	
<hr/>		
Total Mary E. Dorse Recrea- tional and Educational Center .....	3,638	3,638
<hr/>		

**19. DYNNE CREEK WATERSHED  
CONSERVANCY DISTRICT:**

(a) Water Resource Development Program .....	1,400
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**SOURCE OF FUNDS:**

(1) State General Fund .....	1,400	
<hr/>		
Total Dynne Creek Watershed Conservancy District .....	1,400	1,400
<hr/>		

**20. EAST ALABAMA CHILD  
DEVELOPMENT PROGRAM:**

(a) Financial Assistance Program:	800,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	800,000	
<hr/>		
Total East Alabama Child De- velopment Program .....	800,000	800,000
<hr/>		

**21. ELK RIVER DEVELOPMENT  
AGENCY:**

(a) Water Resource Development Program .....	4,656
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**SOURCE OF FUNDS:**

(1) State General Fund .....	4,656	
<hr/>		

Total Elk River Development Agency .....	4,656	4,656
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22. ENERGY BOARD, SOUTHERN STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program .....		20,536
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SOURCE OF FUNDS:

(1) State General Fund .....	20,536	
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Total Southern States Energy Board .....	20,536	20,536
--	--------	--------

23. FOREST FESTIVAL, ALABAMA:

(a) Forest Information and Education Program .....		4,610
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SOURCE OF FUNDS:

(1) State General Fund .....	4,610	
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Total Alabama Forest Festival .....	4,610	4,610
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24. GULF SHORES TOURIST ASSOCIATION:

(a) Tourism and Travel Promotion Program .....		8,398
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SOURCE OF FUNDS:

(1) State General Fund .....	8,398	
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Total Gulf Shores Tourist Association .....	8,398	8,398
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25. GUNTERSVILLE BOAT RACES:

(a) Tourism and Travel Promotion Program .....		11,068
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SOURCE OF FUNDS:

(1) State General Fund .....	11,068	
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Total Guntersville Boat Races .....	11,068	11,068
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**26. HANK WILLIAMS MEMORIAL  
ASSOCIATION-GREENVILLE:**

(a) Historical Resources Management Program .....	2,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	2,000
------------------------------	-------

Total Hank Williams Memorial Association-Greenville .....	2,000	2,000
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**27. HANK WILLIAMS MEMORIAL  
ASSOCIATION-GEORGIANA:**

(a) Historical Resources Management Program .....	2,000
---	-------

**SOURCE OF FUNDS:**

(1) State General Fund .....	2,000
------------------------------	-------

Total Hank Williams Memorial Association-Georgiana .....	2,000	2,000
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**28. HELEN KELLER PROPERTY  
BOARD:**

(a) Historical Resources Management Program .....	30,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	30,000
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Total Helen Keller Property Board .....	30,000	30,000
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**29. INTERSTATE MINING  
COMMISSION:**

(a) Planning Program .....	8,838
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**SOURCE OF FUNDS:**

(1) State General Fund .....	8,838
------------------------------	-------

Total Interstate Mining Commission .....	8,838	8,838
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**30. JUNIOR MISS PAGEANT, INC.,  
AMERICA'S:**

(a) Tourism and Travel Promotion Program .....	40,000
--	--------

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**SOURCE OF FUNDS:**

(1) State General Fund .....	40,000	
<hr/>		
Total America's Junior Miss Pageant, Inc. ....	40,000	40,000
<hr/>		

**31. JUNIOR MISS PAGEANT, INC.,  
ALABAMA'S:**

(a) Tourism and Travel Promotion Program .....	10,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	10,000	
<hr/>		
Total Alabama's Junior Miss Pageant, Inc. ....	10,000	10,000
<hr/>		

**32. KETCHEPEDRAKEE CREEK  
WATERSHED CONSERVANCY  
DISTRICT:**

(a) Water Resource Development Program .....	1,400
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**SOURCE OF FUNDS:**

(1) State General Fund .....	1,400	
<hr/>		
Total Ketchepedrakee Creek Watershed Conservancy District .....	1,400	1,400
<hr/>		

**33. LAKE EUFAULA SUMMER  
SPECTACULAR:**

(a) Tourism and Travel Promotion Program .....	5,602
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**SOURCE OF FUNDS:**

(1) State General Fund .....	5,602	
<hr/>		
Total Lake Eufaula Summer Spectacular .....	5,602	5,602
<hr/>		

**34. LANDMARKS FOUNDATION,  
INC.:**

(a) Historical Resources Management Program .....	5,625
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**SOURCE OF FUNDS:**

(1) State General Fund .....	5,625	
<hr/>		

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Total Landmarks Foundation, Inc. ....	5,625	5,625

**35. MOBILE AREA MARDI GRAS  
ASSOCIATION:**

(a) Tourism and Promotion Pro- gram .....		2,800
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**SOURCE OF FUNDS:**

(1) State General Fund .....	2,800	

Total Mobile Area Mardi Gras Association .....	2,800	2,800

**36. MOBILE CARNIVAL  
ASSOCIATION:**

(a) Tourism and Travel Promotion Program .....		2,800
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**SOURCE OF FUNDS:**

(1) State General Fund .....	2,800	

Total Mobile Carnival Associa- tion .....	2,800	2,800

**37. MOBILE EXPLOREUM-  
MEDICAL:**

(a) Educational Museum Services Program .....		21,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	21,000	

Total Mobile Exploreum-Medi- cal .....	21,000	21,000

**38. MOTOR SPORTS HALL OF  
FAME:**

(a) Tourism and Travel Promotion Program .....		75,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	75,000	

Total Motor Sports Hall of Fame .....	75,000	75,000

**39. MOUNTAIN LAKES TOURIST  
ASSOCIATION, ALABAMA:**

(a) Tourism and Travel Promotion Program .....	14,306
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**SOURCE OF FUNDS:**

(1) State General Fund .....	14,306
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Total Mountain Lakes Tourist Association, Alabama .....	14,306	14,306
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**40. MUSIC HALL OF FAME,  
ALABAMA:**

(a) Fine Arts Program .....	25,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	25,000
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Total Alabama Music Hall of Fame .....	25,000	25,000
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**41. PEA RIVER HISTORICAL AND  
GENEALOGICAL SOCIETY:**

(a) Historical Resources Management Program .....	3,110
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**SOURCE OF FUNDS:**

(1) State General Fund .....	3,110
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Total Pea River Historical and Genealogical Society .....	3,110	3,110
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**42. PEA RIVER WATERSHED  
CONSERVANCY DISTRICT  
(Conservation Department) To be  
used for capital maintenance and  
improvements at Coffee County  
Lake:**

(a) Water Resource Development Program .....	11,400
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**SOURCE OF FUNDS:**

(1) State General Fund .....	11,400
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Total Pea River Watershed Conservancy District .....	11,400	11,400
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**43. PEANUT FESTIVAL  
ASSOCIATION, INC., NATIONAL:**

(a) Tourism and Travel Promotion Program .....	8,250
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**SOURCE OF FUNDS:**

(1) State General Fund .....	8,250
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Total National Peanut Festival Association, Inc. ....	8,250	8,250
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**44. PIKE COUNTY PIONEER  
MUSEUM ASSOCIATION:**

(a) Historical Resources Management Program .....	5,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	5,000
------------------------------	-------

Total Pike County Pioneer Museum Association .....	5,000	5,000
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**45. RIVERBOAT COMMISSION,  
INC., MONTGOMERY:**

(a) Tourism and Travel Promotion Program .....	10,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	10,000
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Total Montgomery Riverboat Commission .....	10,000	10,000
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**46. SAFE PLACE:**

(a) Social Services Program .....	15,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	15,000
------------------------------	--------

Total Safe Place .....	15,000	15,000
------------------------	--------	--------

**47. SENIOR BOWL-MOBILE:**

(a) Tourism and Travel Promotion Program .....	35,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	35,000
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Total Senior Bowl-Mobile .....	35,000	35,000
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48. SHELBY COUNTY HISTORICAL  
ASSOCIATION:

(a) Historical Resources Management Program .....		8,750
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## SOURCE OF FUNDS:

(1) State General Fund .....	8,750	
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Total Shelby County Historical Association .....	8,750	8,750
--	-------	-------

49. SICKLE CELL EDUCATION  
PROGRAM:

(a) East Alabama Sickle Cell .....		62,500
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(b) Jefferson County Sickle Cell ..		100,000
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(c) Mobile Sickle Cell .....		70,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	232,500	
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Total Sickle Cell Education Program .....	232,500	232,500
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50. SOUTHERN CENTER FOR  
INTERNATIONAL STUDIES,  
ANNUAL MEMBERSHIP:

(a) Special Services Program .....		18,750
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## SOURCE OF FUNDS:

(1) State General Fund .....	18,750	
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Total Southern Center for International Studies, Annual Membership .....	18,750	18,750
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51. SOUTHERN CHAMPIONSHIP  
CHARITY HORSESHOW:

(a) Tourism and Travel Promotion Program .....		3,110
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## SOURCE OF FUNDS:

(1) State General Fund .....	3,110	
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Total Southern Championship Charity Horseshow .....	3,110	3,110
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**52. SPIRIT OF AMERICA FESTIVAL,  
INC.:**

(a) Tourism and Travel Promotion Program .....		2,801
<b>SOURCE OF FUNDS:</b>		
(1) State General Fund .....	2,801	
<hr/>		
Total Spirit of America Festi- val, Inc. ....	2,801	2,801
<hr/>		

**53. STEER SHOW ASSOCIATION,  
ALABAMA STATE:**

(a) Agricultural Development Ser- vices Program .....		15,000
<b>SOURCE OF FUNDS:</b>		
(1) State General Fund .....	15,000	
<hr/>		
Total Alabama State Steer Show Association .....	15,000	15,000
<hr/>		

**54. TALLACOOSA HIGHLAND  
LAKES ASSOCIATION:**

(a) Tourism and Travel Promotion Program .....		5,602
<b>SOURCE OF FUNDS:</b>		
(1) State General Fund .....	5,602	
<hr/>		
Total Tallacoosa Highland Lakes Association .....	5,602	5,602
<hr/>		

**55. TALLASSEEHATCHIE CREEK  
WATERSHED CONSERVANCY  
DISTRICT:**

(a) Water Resource Development Program .....		1,237
<b>SOURCE OF FUNDS:</b>		
(1) State General Fund .....	1,237	
<hr/>		
Total Tallassee hatchie Creek Watershed Conservancy Dis- trict .....	1,237	1,237
<hr/>		

**56. TENNESSEE RIVER VALLEY  
ASSOCIATION:**

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(a) Water Resource Development Program .....		8,708
SOURCE OF FUNDS:		
(1) State General Fund .....	8,708	
<hr/>		
Total Tennessee River Valley Association .....	8,708	8,708
<hr/>		
57. TENNESSEE VALLEY PUBLICITY AND IMPROVEMENT ASSOCIATION:		
(a) Tourism and Travel Promotion Program .....		24,881
SOURCE OF FUNDS:		
(1) State General Fund .....	24,881	
<hr/>		
Total Tennessee Valley Publicity and Improvement Association .....	24,881	24,881
<hr/>		
58. TERRAPIN CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program .....		1,400
SOURCE OF FUNDS:		
(1) State General Fund .....	1,400	
<hr/>		
Total Terrapin Creek Watershed Conservancy District .....	1,400	1,400
<hr/>		
59. TRAVEL COUNCIL, ALABAMA:		
(a) Tourism and Travel Promotion Program .....		40,000
SOURCE OF FUNDS:		
(1) State General Fund .....	40,000	
<hr/>		
Total Alabama Travel Council .....	40,000	40,000
<hr/>		
60. TRI-RIVERS WATERWAY DEVELOPMENT ASSOCIATION:		
(a) Water Resource Development Program .....		16,794



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**SOURCE OF FUNDS:**

(1) State General Fund ..... 16,794

Total Tri-Rivers Waterway Development Association .....	16,794	16,794
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**61. VESTAVIA HILLS DOGWOOD  
FESTIVAL AND TRAIL:**

(a) Tourism and Travel Promotion Program .....		1,500
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**SOURCE OF FUNDS:**

(1) State General Fund ..... 1,500

Total Vestavia Hills Dogwood Festival and Trail .....	1,500	1,500
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**62. VETERANS DAY IN ALABAMA:**

(a) Historical Resources Management Program .....		1,244
---	--	-------

**SOURCE OF FUNDS:**

(1) State General Fund ..... 1,244

Total Veterans Day in Alabama .....	1,244	1,244
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**63. VETERANS DAY COMMITTEE,  
NATIONAL:**

(a) Historical Resources Management Program .....		4,358
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**SOURCE OF FUNDS:**

(1) State General Fund ..... 4,358

Total National Veterans Day Committee .....	4,358	4,358
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**64. W.C. HANDY PROPERTY  
BOARD:**

(a) Historical Resources Management Program .....		15,000
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**SOURCE OF FUNDS:**

(1) State General Fund ..... 15,000

Total W.C. Handy Property Board .....	15,000	15,000
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## 65. Y.M.C.A. YOUTH LEGISLATURE:

(a) Special Services Program .....		11,250
SOURCE OF FUNDS:		
(1) State General Fund .....	11,250	
<hr/>		
Total Y.M.C.A. Youth Legisla- ture .....	11,250	11,250
<hr/>		

66. GENEVA COUNTY TOMATO  
FESTIVAL:

(a) Tourism and Travel Promotion Program .....		3,110
SOURCE OF FUNDS:		
(1) State General Fund .....	3,110	
<hr/>		
Total Geneva County Tomato Festival .....	3,110	3,110
<hr/>		

67. ST. CLAIR COUNTY  
HISTORICAL SOCIETY:

(a) Historical Resources Manage- ment Program .....		5,000
SOURCE OF FUNDS:		
(1) State General Fund .....	5,000	
<hr/>		
Total St. Clair County Histori- cal Society .....	5,000	5,000
<hr/>		

## 68. BEACON HOUSE-JASPER:

(a) Social Services Program .....		50,000
SOURCE OF FUNDS:		
(1) State General Fund .....	50,000	
<hr/>		
Total Beacon House-Jasper ...	50,000	50,000
<hr/>		

69. CHILTON COUNTY  
HISTORICAL SOCIETY:

(a) Historical Resources Manage- ment Program .....		5,000
SOURCE OF FUNDS:		
(1) State General Fund .....	5,000	
<hr/>		

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Total Chilton County Historical Society .....	5,000	5,000
<hr/>		
<b>70. BAYOU LA BATRE SEAFOOD FESTIVAL:</b>		
(a) Special Services Program .....		1,000
SOURCE OF FUNDS:		
(1) State General Fund .....	1,000	
<hr/>		
Total Bayou La Batre Seafood Festival .....	1,000	1,000
<hr/>		
<b>71. CITRONELLE OIL BOWL:</b>		
(a) Special Services Program .....		500
SOURCE OF FUNDS:		
(1) State General Fund .....	500	
<hr/>		
Total Citronelle Oil Bowl .....	500	500
<hr/>		
<b>72. CULTURE IN BLACK AND WHITE, INC.:</b>		
(a) Special Services Program .....		1,500
SOURCE OF FUNDS:		
(1) State General Fund .....	1,500	
<hr/>		
Total Culture in Black and White, Inc. ....	1,500	1,500
<hr/>		
<b>73. SIMPSON-MAY CEREBRAL PALSY CENTER:</b>		
(a) Special Services Program .....		35,000
SOURCE OF FUNDS:		
(1) State General Fund .....	35,000	
<hr/>		
Total Simpson-May Cerebral Palsy Center .....	35,000	35,000
<hr/>		
<b>74. ELYTON RECOVERY CENTER:</b>		
(a) Non-Institutional Treatment and Care Program .....		75,000
SOURCE OF FUNDS:		
(1) State General Fund .....	75,000	
<hr/>		

Total Elyton Recovery Center . . . . .		75,000	75,000
<hr/>			
75. ALABAMA COAL MINING MUSEUM, INC.:			
(a) Tourism and Travel Promotion Program . . . . .			25,000
SOURCE OF FUNDS:			
(1) State General Fund . . . . .		25,000	
<hr/>			
Total Alabama Coal Mining Museum, Inc. . . . .		25,000	25,000
<hr/>			
76. HIGH TECHNOLOGY ECONOMIC DEVELOPMENT FOUNDATION, INC.:			
			25,000
SOURCE OF FUNDS:			
(1) State General Fund . . . . .		25,000	
<hr/>			
Total High Technology Economic Development Foundation, Inc. . . . .		25,000	25,000
<hr/>			
77. GEORGE LINDSEY CELEBRITY BENEFIT, INC.:			
(a) Tourism and Travel Promotion Program . . . . .			7,500
SOURCE OF FUNDS:			
(1) State General Fund . . . . .		7,500	
<hr/>			
Total George Lindsey Celebrity Benefit, Inc. . . . .		7,500	7,500
<hr/>			
78. CLEVELAND AVENUE BRANCH-YMCA IN MONTGOMERY:			
(a) Special Services Program . . . . .			4,005
SOURCE OF FUNDS:			
(1) State General Fund . . . . .		4,005	
<hr/>			
Total Cleveland Avenue Branch-YMCA in Montgomery . . . . .		4,005	4,005
<hr/>			
79. DEPARTMENT OF FINANCE-RETIREED SENIOR VOLUNTEER PROGRAM:			

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(a) Special Services Program ..... 303,150

**SOURCE OF FUNDS:**

(1) State General Fund ..... 303,150

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Total Department of Finance-  
Retired Senior Volunteer Pro-  
gram ..... 303,150                      303,150

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The above appropriation to the  
Retired Senior Volunteer Pro-  
gram shall be distributed in the  
following manner: \$34,664 to  
the Foster Grandparent and  
Senior Companion Programs  
and \$268,486 to the Retired  
Senior Volunteer Programs.

**80. BLOUNT COUNTY-ONEONTA  
AGRI-BUSINESS ASSOCIATION-  
FARMERS' MARKET:**

(a) Special Services Program ..... 25,000

**SOURCE OF FUNDS:**

(1) State General Fund ..... 25,000

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Total Blount County-Oneonta  
Agri-Business Association  
Farmers' Market ..... 25,000                      25,000

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**F. DEBT SERVICE FUNDED FROM  
THE STATE GENERAL FUND:**

1. General Obligation Capital  
Improvement Bonds, Series A and  
B, Estimated ..... 1,371,308

**SOURCE OF FUNDS:**

(1) State General Fund-  
Transfer ..... 1,371,308

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Total General Obligation Capi-  
tal Improvement Bonds, Series  
A and B, Estimated ..... 1,371,308                      1,371,308

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2. General Obligation Coosa Waterway  
Bonds, Series A and B, Estimated ..... 1,020,797

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## SOURCE OF FUNDS:

(1) State General Fund- Transfer .....	1,020,797	
<hr/>		
Total General Obligation Coosa Waterway Bonds, Series A and B, Estimated .....	1,020,797	1,020,797
<hr/>		

3. General Obligation Docks Facilities  
Bonds, Series A-C, Estimated .....
- 4,405,100

## SOURCE OF FUNDS:

(1) State General Fund- Transfer .....	4,405,100	
<hr/>		
Total General Obligation Docks Facilities Bonds, Series A-C, Estimated .....	4,405,100	4,405,100
<hr/>		

4. Inland Waterway Improvement  
Bonds, Series A, Estimated .....
- 179,912

## SOURCE OF FUNDS:

(1) State General Fund- Transfer .....	179,912	
<hr/>		
Total Inland Waterway Im- provement Bonds, Series A, Es- timated .....	179,912	179,912
<hr/>		

5. Tennessee-Tombigbee Waterway  
Bonds, Series A-D, Estimated .....
- 4,163,661

## SOURCE OF FUNDS:

(1) State General Fund- Transfer Estimated pursu- ant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session	4,163,661	
<hr/>		
Total Tennessee-Tombigbee Waterway Bonds, Series A-D, Estimated .....	4,163,661	4,163,661
<hr/>		

6. Corrections Institution Bonds,  
Estimated .....
- 1,054,062

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SOURCE OF FUNDS:

(1) State General Fund-  
Transfer, Estimated ..... 1,054,062

Pursuant to Constitutional  
Amendment No. 374 as  
provided for in Act No.  
134, 1978 Second Special  
Session.

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Total Corrections Institution Bonds, Estimated .....	1,054,062	1,054,062
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7. General Obligation Bonds, 1982,  
Series A and B, and General  
Obligation Refunding Bonds, 1983,  
Series A and B, Estimated ..... 55,309,820

SOURCE OF FUNDS:

(1) State General Fund-  
Transfer, Estimated ..... 55,309,820

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Total General Obligation Bonds, 1982, Series A and B, and General Obligation Re- funding Bonds, 1983, Series A and B, Estimated .....	55,309,820	55,309,820
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Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 41, Chapter 4, Article 4, Sections 80-96, 1975 Code of Alabama and the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended.

Section 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 5. In addition to appropriations herein made, all gifts, grants,

contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by the Code of Alabama 1975, §41-5-24.

Section 6. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, any interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor.

Section 7. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 8. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 9. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 10. That this Act shall become effective October 1, 1983.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

On motion of Senator Mitchem, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H.B. 236, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 31; Nays 0.



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*Yeas:*

Senators:	Bishop	Foshee	Mitchell	
Aldridge	Cabaniss	Goodwin	Mitchem	
Amari	Cooley	Harrison	Parsons	
Bachus	Corbett	Holmes	Pearson	
Bailey	Covington	Keener	Robertson	
Barron	deGraffenried	Kirkland	Smith (B)	
Bedford	Denton	Little	Smith (J)	
Bedsole	Dixon	Menton	Teague	—31

*Nays:*

—0

**MESSAGE FROM THE HOUSE**

**Mr. President:**

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**S. J. R. 251. NAMING THE NEW BUSINESS AND EDUCATION BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE "HARRY CAMPBELL BUSINESS AND EDUCATION BUILDING."**

**Also:**

**S. J. R. 253. NAMING THE HEALTH AND FINE ARTS BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE W.M. BECK HEALTH AND FINE ARTS CENTER.**

**Also:**

**S. J. R. 271. URGE THE EXPEDITIOUS INSTALLATION OF THE NEW STATE GOVERNMENT TELECOMMUNICATIONS SYSTEM.**

**JOHN W. PEMBERTON,  
Clerk.**

**FURTHER CONSIDERATION OF APPOINTMENT**

The Senate proceeded to further consideration of the appointment of Brigadier General William A. Jackson to the rank of Major General, as Commander, Troop Command, AL ARNG. The question was on the motion of Senator Pearson that the appointment be re-committed to the Standing Committee on Rules.

On motion of Senator Pearson, his motion to re-commit said appointment was laid on the table.

The question was then on the motion of Senator Hilliard, that said appointment be postponed temporarily.

On motion of Senator Pearson, the motion to postpone was laid on the table.

And on motion of Senator Aldridge, the appointment of Brigadier General Jackson was confirmed by the Senate.

**Yeas 33; Nays 0.**

*Yeas:*

Senators:	Cabaniss	Goodwin	Mitchell
Aldridge	Cooley	Harrison	Mitchem
Amari	Corbett	Hilliard	Parsons
Bachus	Covington	Holmes	Pearson
Bailey	deGraffenried	Keener	Robertson
Barron	Denton	Kirkland	Smith (B)
Bedford	Dixon	Little	Smith (J)
Bedsole	Figures	Menton	Teague
Bishop	Foshee		

—33

*Nays:*

—0

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 341. **RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters until disposed of or until superseded by a subsequent S.R. proposed by the Rules Committee:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 762	Public debt repayment	2
H. B. 288	St. purchasing agent	18
H. B. 300	Surface mining commission	43

Senator Keener offered the following substitute for the Resolution, S. R. 341, to-wit:

**SUBSTITUTE FOR S. R. 341**

**RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters until disposed of or until superseded by a subsequent S.R. proposed by the Rules Committee:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 370	Banks and Savings and Loans	1
H. B. 762	Public debt repayment	2
H. B. 288	St. purchasing agent	18
H. B. 300	Surface mining commission	43

On motion of Senator Bishop, said substitute was laid on the table.

Yeas 14; Nays 12.

*Yeas:*

Senators:	Bishop	Holmes	Robertson
Aldridge	Denton	Kirkland	Smith (J)
Bailey	Foshee	Mitchell	Teague
Bedford	Harrison	Mitchem	

—14

*Nays:*

Senators:	Amari	Bachus	Cabaniss
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Cooley  
Covington  
Dixon

Goodwin  
Hilliard

Keener  
Little

Menton  
Smith (B)

—12

And on motion of Senator Bishop, the Resolution was then adopted by the Senate.

UNFINISHED BUSINESS  
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 370. Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by federal law to a federal savings bank, federal savings and loan association or federal savings and loan association service corporation, so long as any such activity not otherwise permissible to a state bank is not conducted within the State of Alabama; to permit any bank organized under the laws of Alabama to acquire any or all of the shares of one or more federal or state savings banks or savings and loan associations having no offices within Alabama; to provide for the disposition or closing of offices upon the establishment or acquisition of offices within the State of Alabama; to provide that this Act makes no changes in laws pertaining to branch banking in Alabama; to provide that the provisions of this Act are cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

Senator Teague moved that further consideration of the Bill, H. B. 370, be postponed temporarily.

On motion of Senator Keener, the motion to postpone was laid on the table.

Yeas 16; Nays 13.

Yeas:

Senators:  
Amari  
Bachus  
Bedsole  
Bishop

Cabaniss  
Cooley  
Covington  
deGraffenried

Dixon  
Goodwin  
Hilliard  
Keener

Little  
Menton  
Parsons  
Smith (B)

—16

Nays:

Senators:  
Aldridge  
Bailey  
Bedford

Corbett  
Denton  
Harrison  
Holmes

Kirkland  
Mitchell  
Mitchem

Robertson  
Smith (J)  
Teague

—13

Senator Foshee offered the following amendment to the Bill, H. B. 370, to-wit:

AMENDMENT TO H. B. 370

Amend H.B. 370 on page 2, line 16, by striking the following language:

“provided however, that nothing in this Act shall be construed to authorize or permit any bank organized under the laws of the State of Alabama to engage in the business of insurance other than now permitted as credit life insurance, or as presently authorized under state law:

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 236. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF H. B. 370**

The Senate proceeded to further consideration of the Bill, H. B. 370. The question was on the amendment offered by Senator Foshee.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 209. To prescribe procedures whereby a taxpayer may designate a contribution to a political party on his or her state income tax return.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 189. To amend Section 29-4-49, Code of Alabama 1975, which provides for the employment of legislative employees for the finance and taxation committee and the ways and means committee, so as to provide further for said employees.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 385. To make a supplemental appropriation from the general fund

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in the state treasury to the office of the secretary of state for the fiscal year ending September 30, 1983.

Also:

S. 501. Relating to Etowah County, to grant the constable of the District Court an expense allowance.

Also:

S. 557. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

Also:

S. 559. Relating to Cullman County, to amend Sections 1 and 12 of Act No. 161, H. 182, 1973 Regular Session (Acts 1973, p. 202), which act levies a county hotel-motel lodging tax, so as to increase said tax, and to provide further for the use of the proceeds of such tax.

Also:

S. 562. Relating to Shelby County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; to transfer certain duties now performed by the tax assessor and tax collector; to provide that the probate judge shall be a member of the Association of Tax Assessors and Tax Collectors; and to provide further for the expense allowance of the probate judge.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 335. CREATING A SELECT COMMITTEE TO STUDY PUBLIC EDUCATION IN TUSCALOOSA COUNTY.

JOHN W. PEMBERTON,  
Clerk.

**FURTHER CONSIDERATION OF H. B. 370**

The Senate proceeded to further consideration of the Bill, H. B. 370. The question was on the amendment offered by Senator Foshee.

On motion of Senator Keener, further consideration of the Bill, H. B. 370, and pending Foshee amendment, was postponed temporarily.

## SPECIAL ORDER

## BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the next special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 762. To amend Act No. 82-569 so as to provide for payment of principal and interest on the public debt (1983 Refunding Bonds) for the fiscal year ended September 30, 1983.

And said Bill, H. B. 762, was read a third time at length and passed.

Yeas 30; Nays 0.

*Yeas:*

Senators:	Bishop	Foshee	Mitchell	
Aldridge	Cabaniss	Goodwin	Mitchem	
Amari	Cooley	Harrison	Parsons	
Bachus	Corbett	Holmes	Pearson	
Bailey	Covington	Keener	Robertson	
Barron	deGraffenried	Kirkland	Smith (B)	
Bedford	Denton	Little	Teague	
Bedsole	Dixon	Menton		—30

*Nays:*

—0

The Bill:

H. 288. To amend Section 41-16-24 of the Code of Alabama 1975, relating to solicitation procedure for competitive bids on public contracts, so as to provide further for such procedure.

was read a third time at length and passed.

Yeas 31; Nays 0.

*Yeas:*

Senators:	Bishop	Foshee	Mitchell	
Aldridge	Cabaniss	Goodwin	Mitchem	
Amari	Cooley	Harrison	Parsons	
Bachus	Corbett	Holmes	Pearson	
Bailey	Covington	Keener	Robertson	
Barron	deGraffenried	Kirkland	Smith (B)	
Bedford	Denton	Little	Smith (J)	
Bedsole	Dixon	Menton	Teague	—31

*Nays:*

—0

The Bill:

H. 300. To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of cessation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two acres or less; and to amend Section 9-16-75 relating to rule making procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for

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an emergency rule making procedure; and to amend Section 9-16-79(1)(a) relating to hearings and appeals by providing that the provisions of this Act shall take precedence over the Alabama Administrative Procedure Act as related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1.) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and subject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected; and to amend Section 9-16-105(a) to provide for the conformity of Federal and state laws and regulations.

was read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Senators:	Cooley	Goodwin	Menton
Aldridge	Corbett	Harrison	Mitchell
Amari	Covington	Holmes	Mitchem
Bailey	deGraffenried	Keener	Parsons
Bedford	Denton	Kirkland	Smith (J)
Bedsole	Dixon	Little	Teague
Cabaniss	Foshee		

—25

Nays: Senator Barron —1

The Bill:

H. 693. To amend Act No. 81-1183, H. 71, 1981 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Alabama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Bedsole	Goodwin	Mitchem
Aldridge	Cabaniss	Harrison	Parsons
Amari	Cooley	Holmes	Pearson
Bachus	Corbett	Keener	Robertson
Bailey	Covington	Kirkland	Smith (B)
Barron	deGraffenried	Menton	Smith (J)
Bedford	Denton	Mitchell	Teague

—27

Nays: —0

The Bill:

H. 165. To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for credit unions organized in other states, for the duties of boards of directors and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares

of deceased persons, and to provide for conversions of federal and state credit unions.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cooley	Harrison	Mitchell
Aldridge	Corbett	Holmes	Mitchem
Amari	Covington	Keener	Parsons
Bachus	Denton	Kirkland	Smith (B)
Bailey	Dixon	Little	Smith (J)
Bedsole	Foshee	Menton	Teague
Cabaniss	Goodwin		

—25

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 510. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Monday, August 1, 1983, we adjourn sine die.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Teague, the Rules were suspended and the Resolution, H. J. R. 510, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Payne, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 528. COMMENDING REPRESENTATIVE DUANE LEWIS



**OF BESSEMER ON HIS LEGISLATIVE LEADERSHIP AND EXTENDING BEST WISHES.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Bachus, the Rules were suspended and the Resolution, H. J. R. 528, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Casey:

H. J. R. 522. NAMING THE ACTS THAT EACH HOUSE BILLS 56 AND 57, 1983 REGULAR SESSION BECOMES, BOTH RELATING TO THE PREVENTION OF CHILD ABUSE, "THE MARTIN-ALDRIDGE ACT."

WHEREAS, Representative Charles Martin and Senator Gary Aldridge have worked diligently and long hours in getting each House Bill 56 and House Bill 57 of the Regular Session 1983 enacted into law; and

WHEREAS, each said House Bill 56 and 57 relate to the prevention of child abuse which abuse has become a scourge on our society; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That this body, in recognition of the long hours and diligent work of Representative Charles Martin and Senator Gary Aldridge in the enactment of House Bill 56 and House Bill 57, Regular Session 1983, do hereby designate the acts which these said bills become "The Martin-Aldridge Act."

RESOLVED FURTHER, That Representative Charles Martin and Senator Gary Aldridge each receive a copy of this resolution so that they may know of their colleagues' high esteem and admiration and the designation of these acts in their honor.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Keener, the Rules were suspended and the Resolution, H. J. R. 522, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel Russell E. Summerlin to the rank of Brigadier General, as Commander, 31st Separate Armored Brigade.

On motion of Senator deGraffenried, the appointment of Colonel Summerlin was confirmed by the Senate.

Yeas 26; Nays 0.

*Yeas:*

Senators:	Cabaniss	Foshee	Parsons	
Aldridge	Cooley	Goodwin	Pearson	
Amari	Corbett	Holmes	Robertson	
Bachus	Covington	Keener	Smith (B)	
Barron	deGraffenried	Kirkland	Smith (J)	
Bedford	Denton	Little	Teague	
Bishop	Dixon	Menton		—26

*Nays:*

—0

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 251. NAMING THE NEW BUSINESS AND EDUCATION BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE "HARRY CAMPBELL BUSINESS AND EDUCATION BUILDING."

Also:

S. J. R. 253. NAMING THE HEALTH AND FINE ARTS BUILDING AT NORTHEAST ALABAMA STATE JUNIOR COLLEGE, THE W. M. BECK HEALTH AND FINE ARTS CENTER.

Also:

S. J. R. 271. URGE THE EXPEDITIOUS INSTALLATION OF THE NEW STATE GOVERNMENT TELECOMMUNICATIONS SYSTEM.

Also:

S. J. R. 335. CREATING A SELECT COMMITTEE TO STUDY PUBLIC EDUCATION IN TUSCALOOSA COUNTY.

Also:

S. 189. To amend Section 29-4-49, Code of Alabama 1975, which provides for the employment of legislative employees for the finance and taxation committee and the ways and means committee, so as to provide further for said employees.

Also:

S. 209. To prescribe procedures whereby a taxpayer may designate a contribution to a political party on his or her state income tax return.

Also:

S. 385. To make a supplemental appropriation from the general fund in the state treasury to the office of the secretary of state for the fiscal year ending September 30, 1983.

Also:

S. 501. Relating to Etowah County, to grant the constable of the District Court an expense allowance.

Also:

S. 557. Relating to Shelby County; providing further for the licensing of retailers of alcoholic beverages.

Also:

S. 559. Relating to Cullman County, to amend Sections 1 and 12 of Act No. 161, H. 182, 1973 Regular Session (Acts 1973, p. 202), which act levies a county hotel-motel lodging tax, so as to increase said tax, and to provide further for the use of the proceeds of such tax.

Also:

S. 562. Relating to Shelby County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; to transfer certain duties now performed by the tax assessor and tax collector; to provide that the probate judge shall be a member of the Association of Tax Assessors and Tax Collectors; and to provide further for the expense allowance of the probate judge.

CHARLES BISHOP,  
Chairperson.

### **SIGNING OF BILLS AND RESOLUTIONS**

The President and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 165. To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for credit unions organized in other states, for the duties of boards of directors and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares of deceased persons, and to provide for conversions of federal and state credit unions.

Also:

H. 288. To amend Section 41-16-24 of the Code of Alabama 1975, relating to solicitation procedure for competitive bids on public contracts, so as to provide further for such procedure.

Also:

H. 300. To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of cessation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two acres or less; and to amend Section 9-16-75 relating to rule making procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for an emergency rule making procedure; and to amend Section 9-16-79(1)(a) relating to hearings and appeals by providing that the provisions of this Act shall take precedence over the Alabama Administrative Procedure Act as related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1.) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and subject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected; and to amend Section 9-16-105(a) to provide for the conformity of Federal and state laws and regulations.

Also:

H. 693. To amend Act No. 81-1183, H. 71, 1981 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Alabama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

Also:

H. 762. To amend Act No. 82-569 so as to provide for payment of principal and interest on the public debt (1983 Refunding Bonds) for the fiscal year ended September 30, 1983.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 510. Relative to Sine Die adjournment.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 522. NAMING THE ACTS THAT EACH HOUSE BILLS 56 AND 57, 1983 REGULAR SESSION BECOMES, BOTH RELATING TO THE PREVENTION OF CHILD ABUSE, "THE MARTIN-ALDRIDGE ACT."

Also:

H. J. R. 528. COMMENDING REPRESENTATIVE DUANE LEWIS OF BESSEMER ON HIS LEGISLATIVE LEADERSHIP AND EXTENDING BEST WISHES.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor and Secretary of State, with the date and hour of delivery, to-wit:

S. B. 58

Delivered to the Secretary of State, August 1, 1983, at 11 o'clock A.M.

S. B. 42

S. J. R. 256

S. J. R. 185

S. J. R. 252

S. J. R. 255

S. J. R. 263

S. J. R. 276

S. J. R. 289

S. J. R. 306

S. J. R. 318

Delivered to the Governor, August 1, 1983, at 9 o'clock P.M.

S. J. R. 251

S. J. R. 253

S. J. R. 271

S. J. R. 335

S. B. 385

S. B. 189

S. B. 209

S. B. 501

S. B. 557

S. B. 559

S. B. 562

Delivered to the Governor, August 1, 1983, at 11:59 P.M.

McDOWELL LEE,  
Secretary of Senate.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Twenty-Ninth and Thirtieth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journals of the Senate for the Twenty-Ninth and Thirtieth Legislative Days were approved by the Senate.

**ADJOURNMENT**

The hour of midnight having arrived, in accordance with Joint Resolution heretofore adopted, on motion of Senator Teague, the Senate adjourned sine die.

/s/ McDOWELL LEE,  
McDOWELL LEE,  
Secretary of Senate.

**ROSTER OF THE SENATE OF ALABAMA****1983**

Bill Baxley, <i>Lieutenant Governor</i> .....	State Capitol, Montgomery
John A. Teague, <i>President Pro-Tem</i> .....	Childersburg
McDowell Lee, <i>Secretary</i> .....	Montgomery
John D. Crawford, <i>Assistant Secretary</i> .....	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i> .....	Montgomery
<b>First Senatorial District</b>	
Bobby Denton ....	Bank Independent, P. O. Drawer B, Sheffield 35660
<b>Second Senatorial District</b>	
Roger Bedford .....	Box 669, Russellville 35653
<b>Third Senatorial District</b>	
Gary Aldridge .....	215 E. Moulton, Decatur 35601
<b>Fourth Senatorial District</b>	
Steve Cooley .....	P. O. Box 1186 Cullman 35055
<b>Fifth Senatorial District</b>	
Charles Bishop .....	P. O. Box 2328, Jasper 35501
<b>Sixth Senatorial District</b>	
Jim Smith .....	108-A South Side Square, Huntsville 35801
<b>Seventh Senatorial District</b>	
Bill Smith .....	2009 Gallatin St., S.W., Huntsville 35801
<b>Eighth Senatorial District</b>	
Lowell Barron .....	Box 65, Fyffe 35971
<b>Ninth Senatorial District</b>	
Hinton Mitchem .....	P. O. Box 297, Albertville 35950
<b>Tenth Senatorial District</b>	
Larry Keener .....	816 Chestnut Street, Gadsden 35901
<b>Eleventh Senatorial District</b>	
Bill Cabaniss, Jr. ....	P. O. Box 57032, Birmingham 35259
<b>Twelfth Senatorial District</b>	
John Amari .....	9636 Parkway East, Brimingham 35215
<b>Thirteenth Senatorial District</b>	
J. Richmond Pearson .....	P. O. Box 11135, Birmingham 35202
<b>Fourteenth Senatorial District</b>	
Mac Parsons .....	1285 E. Hueytown Rd., Hueytown 35023
<b>Fifteenth Senatorial District</b>	
Earl F. Hilliard .....	P. O. Box 11385, Birmingham 35202
<b>Sixteenth Senatorial District</b>	
Ryan deGraffenried, Jr. ....	Box 2427, Tuscaloosa 35403
<b>Seventeenth Senatorial District</b>	
Spencer Bachus .....	930 First Ala. Bank Bldg., Birmingham 35203
<b>Eighteenth Senatorial District</b>	



Lister Hill Proctor .....	121 N. Norton Ave., Sylacauga 35150
Nineteenth Senatorial District	
John Teague .....	Box 427, Childersburg 35044
Twentieth Senatorial District	
Donald Holmes .....	1916 Robinhood Dr., Oxford 36203
Twenty-first Senatorial District	
Ted Little .....	P. O. Box 2366, Auburn 36830
Twenty-second Senatorial District	
Danny Corbett .....	Rt. 4, Box 821, Phenix City 36867
Twenty-third Senatorial District	
Foy Covington, Jr. ....	Rt. 2, Newville 36353
Twenty-fourth Senatorial District	
Chip Bailey .....	P. O. Box 6791, Dothan 36302
Twenty-fifth Senatorial District	
Crum Foshee, Jr. ....	310 Baisden St., Andalusia 36420
Twenty-sixth Senatorial District	
Don Harrison .....	516 S. Perry, Montgomery 36104
Twenty-seventh Senatorial District	
Larry Dixon .....	P. O. Box 946, Montgomery 36102
Twenty-eighth Senatorial District	
Wendell Mitchell .....	P. O. Box 225, Luverne 36049
Twenty-ninth Senatorial District	
Earl Goodwin .....	Box 886, Selma 36701
Thirtieth Senatorial District	
Ed Robertson .....	13-A Northwood Lake, Northport 35476
Thirty-first Senatorial District	
Reo Kirkland, Jr. ....	P. O. Box 646, Brewton 36427
Thirty-second Senatorial District	
Jerry Boyington .....	Rt. 1, Box 30-A, Fairhope 36532
Thirty-third Senatorial District	
Michael A. Figures .....	2317 St. Stephens Rd., Mobile 36617
Thirty-fourth Senatorial District	
Ann Bedsole .....	P. O. Box 16642, Mobile 36616
Thirty-fifth Senatorial District	
Bill Menton .....	Rt. 2, Box 171, Irvington 36544

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**STANDING COMMITTEES  
OF THE  
ALABAMA STATE SENATE  
1983**

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**FINANCE AND TAXATION  
EDUCATION**

Mitchem, Chairperson; Little, Deputy Chairperson; deGraffenried, Vice-Chairperson; Foshee, Proctor, Hilliard, Aldridge, Holmes, Smith (Jim), Cooley, Bailey, Harrison, Figures.

**FINANCE AND TAXATION  
GENERAL FUND**

Mitchem, Chairperson; Little, Deputy Chairperson; Goodwin, Vice-Chairperson; Mitchell, Amari, Denton, Pearson, Corbett, Smith (Bill), Robertson, Barron, Bedford, Bedsole.

**RULES**

Bishop, Chairperson; Smith (Jim), Vice-Chairperson; Parsons, Mitchell, Aldridge, Denton, Pearson.

**JUDICIARY**

Hilliard, Chairperson; Kirkland, Vice-Chairperson; Proctor, Menton, Smith (Jim), Cooley, deGraffenried, Harrison, Aldridge, Keener, Bedford, Amari, Bachus, Parsons, Little.

**GOVERNMENTAL AFFAIRS**

Mitchell, Chairperson; Dixon, Vice-Chairperson; Boyington, Bailey, Bachus, Parsons, Goodwin, Pearson, Figures, Corbett, Proctor, Cooley, Robertson, Aldridge, Covington.

**CONSTITUTIONAL REVISION**

deGraffenried, Chairperson; Keener, Vice-Chairperson; Figures, Proctor, Aldridge, Smith (Bill), Smith (Jim).

**AGRICULTURE, CONSERVATION AND FORESTRY**

Bailey, Chairperson; Menton, Vice-Chairperson; Boyington, Goodwin, Little, Figures, Smith (Jim), Mitchem, Robertson, Harrison, Aldridge, Kirkland, Denton, Bedford, Covington.

**BUSINESS AND LABOR RELATIONS**

Keener, Chairperson; Corbett, Vice-Chairperson; Parsons, Amari, Figures, Cooley, Robertson, Bedford, Foshee.

**EDUCATION**

Parsons, Chairperson; Bedsole, Vice-Chairperson; Bailey, Foshee, Hilliard, Corbett, Cooley, Harrison, Bachus.

**HEALTH AND WELFARE**

Proctor, Chairperson; Barron, Vice-Chairperson; Smith (Jim), Holmes,

Dixon, Keener, Covington, Bailey, Foshee.

**BANKING AND INSURANCE**

Smith (Jim), Chairperson; Cabaniss, Vice-Chairperson; Amari, Bachus, Foshee, Little, Mitchell, Hilliard, Smith (Bill), Mitchem, deGraffenried, Harrison, Barron, Keener, Denton.

**COMMERCE, TRANSPORTATION AND UTILITIES**

Denton, Chairperson; Hilliard, Vice-Chairperson; Smith (Bill), Bishop, Amari, Holmes, Keener, Cabaniss, Foshee.

**CONSUMER AFFAIRS**

Figures, Chairperson; Harrison, Vice-Chairperson; Bachus, Parsons, Corbett, Smith (Jim), Kirkland.

**BUILDINGS AND GROUNDS**

Foshee, Chairperson; Covington, Vice-Chairperson; Bishop.

**INDUSTRIAL EXPANSION, ECONOMIC GROWTH, AND JOBS**

Smith (Bill), Chairperson; Cooley, Vice-Chairperson; Smith (Jim), Dixon, Covington, Cabaniss, Figures, Bailey, Bishop.

**COMMITTEE ON AGING**

Amari, Chairperson; Menton, Vice-Chairperson; Holmes, Robertson, Barron, Boyington, Bailey, Goodwin, Corbett.

**STUDENT AND YOUTH ACTIVITIES**

Bedford, Chairperson; Bachus, Vice-Chairperson; Dixon, Little, Menton, Bedsole, Boyington.

**SMALL BUSINESS**

Holmes, Chairperson; Dixon, Vice-Chairperson; Boyington, Cabaniss, Goodwin, Amari, Bedford.

**MILITARY AFFAIRS**

Robertson, Chairperson; Boyington, Vice-Chairperson; Holmes, Barron, Covington, Menton, Bedsole.

**LOCAL LEGISLATION NO. 1**

Foshee, Chairperson; Kirkland, Vice-Chairperson; Mitchem, Aldridge, Covington, Mitchell, Bishop.

**LOCAL LEGISLATION NO. 2**

Pearson, Chairperson; Parsons, Vice-Chairperson; Amari, Bishop, Proctor, Hilliard, Cabaniss, Bachus.

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**STANDING COMMITTEE ASSIGNMENTS  
FOR 1983  
ALABAMA STATE SENATE**

**3rd District**

**GARY ALDRIDGE**—Finance and Taxation, Education sub-committee; Rules; Judiciary; Governmental Affairs; Constitutional Revision; Agriculture, Conservation and Forestry; Local Legislation No. 1.

**12th District**

**JOHN AMARI**—Chairperson, Committee on Aging; Finance and Taxation, General Fund sub-committee; Judiciary; Business and Labor Relations; Banking and Insurance; Commerce, Transportation and Utilities; Small Business; Local Legislation No. 2.

**17th District**

**SPENCER BACHUS**—Vice-Chairperson, Student and Youth Activities; Judiciary; Governmental Affairs; Education; Banking and Insurance; Consumer Affairs; Local Legislation No. 2.

**24th District**

**CHIP BAILEY**—Chairperson, Agriculture, Conservation and Forestry; Finance and Taxation, Education sub-committee; Governmental Affairs; Education; Health and Welfare; Industrial Expansion, Economic Growth, and Jobs; Committee on Aging.

**8th District**

**LOWELL BARRON**—Vice-Chairperson, Health and Welfare; Finance and Taxation, General Fund sub-committee; Banking and Insurance; Committee on Aging; Military Affairs.

**2nd District**

**ROGER BEDFORD**—Chairperson, Student and Youth Activities; Finance and Taxation, General Fund sub-committee; Judiciary; Agriculture, Conservation and Forestry; Business and Labor Relations; Small Business

**34th District**

**ANN BEDSOLE**—Vice-Chairperson, Education; Finance and Taxation, General Fund sub-committee; Student and Youth Activities; Military Affairs.

**5th District**

**CHARLES BISHOP**—Chairperson, Rules; Commerce, Transportation and Utilities; Buildings and Grounds; Industrial Expansion, Economic Growth and Jobs; Local Legislation No. 1; Local Legislation No. 2.

**32nd District**

**JERRY BOYINGTON**—Vice-Chairperson, Military Affairs; Governmental Affairs; Agriculture, Conservation and Forestry; Committee on Aging; Student and Youth Activities; Small Business.

**11th District**

**BILL CABANISS**—Vice-Chairperson, Banking and Insurance; Commerce, Transportation and Utilities; Industrial Expansion, Economic Growth and Jobs; Small Business; Local Legislation No. 2.

**4th District**

**STEVE COOLEY**—Vice-Chairperson, Industrial Expansion, Economic Growth and Jobs; Finance and Taxation, Education sub-committee; Ju-

diciary; Governmental Affairs; Business and Labor Relations; Education.

**22nd District**

**DANNY CORBETT**—Vice-Chairperson, Business and Labor Relations; Finance and Taxation, General Fund sub-committee; Governmental Affairs; Education; Consumer Affairs; Committee on Aging.

**23rd District**

**FOY COVINGTON**—Vice-Chairperson, Buildings and Grounds; Governmental Affairs; Agriculture, Conservation and Forestry; Health and Welfare; Industrial Expansion, Economic Growth and Jobs; Military Affairs; Local Legislation No. 1.

**16th District**

**RYAN deGRAFFENRIED**—Chairperson, Constitutional Revision; Vice-Chairperson, Finance and Taxation, Education sub-committee; Judiciary; Banking and Insurance.

**1st District**

**BOBBY DENTON**—Chairperson, Commerce, Transportation and Utilities; Finance and Taxation, General Fund sub-committee; Rules; Agriculture, Conservation and Forestry; Banking and Insurance.

**27th District**

**LARRY DIXON**—Vice-Chairperson, Governmental Affairs; Vice-Chairperson, Small Business; Health and Welfare; Industrial Expansion, Economic Growth and Jobs; Student and Youth Activities.

**33rd District**

**MICHAEL A. FIGURES**—Chairperson, Consumer Affairs; Finance and Taxation, Education sub-committee; Governmental Affairs; Constitutional Revision; Agriculture, Conservation and Forestry; Business and Labor Relations; Industrial Expansion, Economic Growth and Jobs.

**25th District**

**CRUM FOSHEE**—Chairperson, Buildings and Grounds; Chairperson, Local Legislation No. 1; Finance and Taxation, Education sub-committee; Business and Labor Relations; Education; Health and Welfare; Banking and Insurance; Commerce, Transportation and Utilities.

**29th District**

**EARL GOODWIN**—Vice-Chairperson, Finance and Taxation, General Fund sub-committee; Governmental Affairs; Agriculture, Conservation and Forestry; Committee on Aging; Small Business.

**25th District**

**DON HARRISON**—Vice-Chairperson; Consumer Affairs; Finance and Taxation, Education sub-committee; Judiciary; Agriculture, Conservation and Forestry; Education; Banking and Insurance.

**15th District**

**EARL HILLIARD**—Chairperson, Judiciary; Vice-Chairperson, Commerce, Transportation and Utilities; Finance and Taxation, Education sub-committee; Education; Banking and Insurance; Local Legislation No. 2.

**20th District**

**DONALD HOLMES**—Chairperson, Small Business; Finance and Taxation, Education sub-committee; Health and Welfare; Commerce, Transportation and Utilities; Committee on Aging; Military Affairs.

## 10th District

LARRY KEENER—Chairperson, Business and Labor Relations; Vice-Chairperson, Constitutional Revision; Judiciary; Health and Welfare; Banking and Insurance; Commerce, Transportation and Utilities.

## 31st District

REO KIRKLAND, JR.—Vice-Chairperson, Judiciary; Vice-Chairman, Local Legislation No. 1; Agriculture, Conservation and Forestry; Consumer Affairs.

## 21st District

TED LITTLE—Deputy Chairperson, Finance and Taxation; Judiciary; Agriculture, Conservation and Forestry; Banking and Insurance; Student and Youth Activities.

## 35th District

BILL MENTON—Vice-Chairperson, Agriculture, Conservation and Forestry; Vice-Chairperson, Committee on Aging; Judiciary; Student and Youth Activities; Military Affairs.

## 28th District

WENDELL MITCHELL—Chairperson, Governmental Affairs; Finance and Taxation, General Fund sub-committee; Rules; Banking and Insurance; Local Legislation No. 1.

## 9th District

HINTON MITCHEM—Chairperson, Finance and Taxation; Agriculture, Conservation and Forestry; Banking and Insurance; Local Legislation No. 1.

## 14th District

MACK PARSONS—Chairperson, Education; Vice-Chairperson, Local Legislation No. 2; Rules; Judiciary; Governmental Affairs; Business and Labor Relations; Consumer Affairs.

## 13th District

J. RICHMOND PEARSON—Chairperson, Local Legislation No. 2; Finance and Taxation, General Fund sub-committee; Rules; Governmental Affairs.

## 18th District

LISTER HILL PROCTOR—Chairperson, Health and Welfare; Finance and Taxation, Education sub-committee; Judiciary; Governmental Affairs; Constitutional Revision; Local Legislation No. 2.

## 30th District

ED ROBERTSON—Chairperson, Military Affairs; Finance and Taxation, General Fund sub-committee; Governmental Affairs; Agriculture, Conservation and Forestry; Business and Labor Relations; Committee on Aging.

## 7th District

BILL SMITH—Chairperson, Industrial Expansion, Economic Growth and Jobs; Finance and Taxation, General Fund sub-committee; Constitutional Revision; Banking and Insurance; Commerce, Transportation and Utilities.

6th District

JIM SMITH—Chairperson, Banking and Insurance; Vice-Chairperson, Rules; Finance and Taxation, Education sub-committee; Judiciary; Constitutional Revision; Agriculture, Conservation and Forestry; Health and Welfare; Consumer Affairs; Industrial Expansion, Economic Growth and Jobs.

19th District

JOHN TEAGUE—Ex-officio voting member of all Standing Committees.

**HOUSE OF REPRESENTATIVES  
REGULAR SESSION, 1983****ALPHABETICAL ROSTER AND DISTRICT NUMBER**

Charles Adams, 66	Ken Kvalheim, 101
Robert E. Albright, 20	Richard Laird, 61
Charles Ashley, 1	Charles Langford, 77
Jim Bennett, 33	Jack B. Lauderdale, 5
Jack Bibble, III, 35	George L. Layton, 34
A. J. Blake, 56	Duane Lewis, 50
Harrell Blakeney, 92	Bob McKee, 79
Hugh Boles, 42	Stephen A. McMillan, 95
W. C. (Bill) Bowling, 11	Richard S. Manley, 87
Michael E. Box, 97	Charles B. Martin, 8
Carl C. Brakefield, 12	Nathan Mathis, 73
Morris J. Brooks, Jr., 18	Bryant Melton, 46
Glen Browder, 57	Preston (Mann) Minus, Jr., 90
Jenkins Bryant, Jr., 86	Earl Mitchell, 89
James Buskey, 99	Sonny Moore, 52
Tom Butler, 17	Don Murphy, 49
James M. Campbell, 59	C. Howard Nevett, 37
Joe R. Carothers, Jr., 71	Max Newman, 6
Tommy Carter, 16	Tom Nicholson, 13
John Casey, 60	Walter Owens, 48
William Clark, 98	Paul Parker, 9
Steve Clikas, Jr., 104	Arthur Payne, 15
Tom C. Coburn, 3	Walter E. Penry, Jr., 94
Loyd Coleman, 26	Phil Poole, 88
W. F. (Noopie) Cosby, Jr., 85	Jim Preuitt, 55
Bobby C. Crow, 58	T. Euclid Rains, Sr., 25
Patricia Davis, 36	Thomas Reed, 67
Tom Drake, 10	John Rice, 64
Bill Drinkard, 29	Ben T. Richardson, 23
Roger Dutton, 7	John W. Rogers, 38
Sundra Escott, 45	James G. Sasser, 69
Dwight Faulk, 84	Van Scott, 31
Steve Flowers, 66	George Seibels, Jr., 32
Joe Ford, 28	Curtis Smith, 53
Dewayne Freeman, 19	Nelson R. Starkey, Jr., 2
Victor Gaston, 100	John C. Starr, Jr., 78
J. W. (Joe) Goodwin, 4	J. David Stout, 24
George Grimsley, 70	James Louis Thomas, 83
E. A. (Ed) Grouby, Jr., 82	Jarushia Thornton, 44
Albert Hall, 22	Hoyt Trammell, 40
Seth Hammett, 75	Jerome Tucker, 43
Taylor Harper, 105	J. E. Turner, 96
Bob Harvey, 27	Pete Turnham, 63
Steve R. Hettinger, 21	Jack Venable, 76
Jimmy W. Holley, 74	J. T. (Jabo) Waggoner, 51
Alvin Holmes, 80	Jimmy Warren, 93
William Fred Horn, 39	Frank P. White, 91
Asbury Howard, 41	Thomas Lester White, 62
Albert L. (Al) Johnson, 65	Nolan Williams, 72
Ron G. Johnson, 54	Ham Wilson, Jr., 81
Roy W. Johnson, Jr., 47	Jim Wright, 14
Bobby M. Junkins, 30	Mary Zoghby, 102
Yvonne Kennedy, 103	



**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA  
1983  
REGULAR SESSION**

TOM DRAKE, *Speaker*, Cullman

ROY JOHNSON  
*Speaker Pro-Tem*, Tuscaloosa

JOHN W. PEMBERTON, *Clerk*, Montgomery

LOIS F. ALLEN, *Chief Clerk*, Montgomery

**MEMBERS OF THE HOUSE**

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Charles Ashley .....	Rt. 3, Box 240, Killen 35645
2	LAUDERDALE	Nelson Starkey .....	168 Cedarcrest Dr., Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom Coburn .....	1107 E. 3rd St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin .....	310 Ford Rd., Muscle Shoals 35660
5	FRANKLIN, MARION	Jack Lauderdale .....	Route One, Box 238, Hamilton 35570
6	LAMAR, MARION, FAYETTE	Max Newman .....	P. O. Box 428, Millport 35576
7	LAWRENCE, MORGAN	Roger Dutton .....	RR No. 2, Box 32, Trinity 35673
8	MORGAN	Charles Martin .....	1716 Camellia D., S.W., Decatur 35601
9	MORGAN	Paul Parker .....	303 N. Douglas, Hartselle 35640
10	MORGAN, CULLMAN	Tom Drake .....	P. O. Box 1165, Cullman 35055
11	CULLMAN, WINSTON	W. C. (Bill) Bowling .....	Route 2, Box 349, Hanceville 35077
12	WINSTON, WALKER	Carl Brakefield .....	P. O. Box G, Carbon Hill 35549
13	WALKER	Tom Nicholson .....	P. O. Box 248, Jasper 35501
14	JEFFERSON, BLOUNT	Jim Wright .....	4005 Harris Ave., Adamsville 35005

- 15 JEFFERSON  
Arthur Payne . . . . . 2825 2nd St., N.W., Birmingham 35215
- 16 LIMESTONE  
Tommy Carter . . . . . Route 2, Box 72, Elkmont 35620
- 17 LIMESTONE, MADISON  
Tom Butler . . . . . 1803 Forney Dr., Huntsville 35805
- 18 MADISON  
Morris Brooks . . . . . 9009 Randall, Huntsville 35802
- 19 MADISON  
Dewayne Freeman . . . . . 366 Jack Coleman Dr., Huntsville 35805
- 20 MADISON  
Robert E. Albright . . . . . 2024 Stanhope Dr., N.E., Huntsville 35811
- 21 MADISON  
Steve R. Hettinger . . . . . P. O. Box 614, Huntsville 35804
- 22 MADISON, JACKSON  
Albert Hall . . . . . P. O. Box 275, Gurley 35748
- 23 JACKSON  
Ben T. Richardson . . . . . P. O. Box 1017, Scottsboro 35768
- 24 JACKSON, DeKALB  
J. David Stout . . . . . P. O. Box 1106, Fort Payne 35967
- 25 DeKALB, MARSHALL  
T. Euclid Rains, Sr. . . . . Rt. 1, Box 326, Albertville 35950
- 26 MARSHALL  
T. Loyd Coleman . . . . . P. O. Box 67, Arab 35016
- 27 BLOUNT, ETOWAH, MARSHALL  
Bob Harvey . . . . . Rt. 4, Box 708, Oneonta 35121
- 28 ETOWAH  
Joe Ford . . . . . 1316 Kentucky Avenue, East Gadsden 35903
- 29 ETOWAH  
Bill Drinkard . . . . . P. O. Box 372, Gadsden 35902
- 30 ETOWAH, CHEROKEE  
Bobby M. Junkins . . . . . 254 College Street, Gadsden 35999
- 31 JEFFERSON  
Van Scott . . . . . 3100 Guilford Road, Birmingham 35223
- 32 JEFFERSON  
George Seibels, Jr. . . . . 4016 10th Avenue South, Birmingham 35222
- 33 JEFFERSON  
Jim Bennett . . . . . 1524 Valley Ave., Homewood 35209
- 34 JEFFERSON  
George L. Layton . . . . . 2305 5th Place, N.W., Center Point,  
Birmingham 35215
- 35 JEFFERSON  
Jack Biddle, III . . . . . 2256 Pinehurst Dr., Gardendale 35071

- 36 JEFFERSON  
Pat Davis ..... 9312 Sears Drive, Birmingham 35206
- 37 JEFFERSON  
C. Howard Nevett ..... 5028 Parkway Ave., Fairfield 35064
- 38 JEFFERSON  
John W. Rogers ..... 1424 18th Street, S.W., Birmingham 35211
- 39 JEFFERSON  
William Fred Horn .. 333 16th Avenue, S.W., Birmingham 35211
- 40 JEFFERSON  
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SB 189, pages 70, 231, 601, 1726, 1732, 1736, Act no. 83-782

**FINANCE DEPARTMENT DATA SYSTEMS MANAGEMENT DIVISION**

Maintenance of business corporations records by, supplemental appropriation to secretary of state to cover charges incurred in—  
SB 385, pages 284, 353, 539, 1726, 1732, 1736, Act no. 83-783

**FINANCE, DEPARTMENT OF**

Budget management of state agencies to be approved by, under certain circumstances—  
SB 305, pages 149, 254, 823

Director of, state budget officer shall serve at the pleasure of—  
HB 198, pages 670, 740, 810, 812, 828, 835, Act no. 83-438

**FINANCIAL DISCLOSURE**

Political candidates, required under ethics law—  
SB 415, pages 324, 425

Public officials under ethics law, additional information required from—  
SB 413, pages 324, 425, 1168

**FIRE FIGHTERS**

Distinctive license plates for, to cost same amount as rescue squad members—  
SB 393, pages 307, 741, 1157

**FIRE LOSSES**

Information on, to be shared by state fire marshal, law enforcement agencies, and insurance companies—  
SB 273, page 119

Reports on, required on losses over \$500.00—  
SB 274, pages 120, 255

**FIRE MARSHAL, STATE**

Assistants to, further provided—  
HB 529, pages 967, 1419

Fire losses, information on, to be shared with law enforcement agencies and insurance companies—  
SB 273, page 119

**FIRE MARSHAL'S DIVISION**

Funds of, definition clarified as "revolving fund"—  
SB 163, pages 54, 132, 1169

**FIRE MARSHAL'S FUND, STATE**

Definition clarified as "revolving fund"—  
SB 163, pages 54, 132, 1169

**FIRE PROTECTION**

County districts for, authorized, fees for services set, collection and distribution provided—  
SB 531, page 711

Municipalities authorized to collect service charge for—  
SB 529, page 710

**FIREARMS**

Discharging of while hunting within 100 yards of roads, highways, or railroads, without permission of adjacent owner, prohibited—  
SB 213, pages 74, 256

District attorneys and assistants permitted to carry—  
SB 438, pages 386, 562, 1030

Security guards authorized to carry—  
SB 326, page 170

Shooting of, into dwelling, railroad car, or automobile prohibited, penalties—  
SB 25, page 8  
SB 158, pages 53, 233, 1034

**FIREMEN**

Deceased, dependents of, compensation increased—  
SB 313, page 167

**FIRE/WATER HYDRANTS**

Blue reflective markers indicating location of, along public roads, provided—  
SB 337, pages 172, 357, 935

**FIREWORKS**

Regulation of, further provided—  
SB 361, pages 248, 287, 530

**FISCAL NOTES**

Legislative, time requirement for attachment to bill—  
HB 393, pages 182, 254, 444, 581, 589, Act no. 83-382

**FLORENCE-LAUDERDALE COUNTY PORT AUTHORITY**

Conveyance of property, equipment, and facilities of state docks department to, authorized, CA—  
SB 291, pages 147, 231, 466  
HB 441, pages 655, 719, 767, 799, Act no. 83-426

**FOOD STAMP FRAUD ACT**

Designated, relative to illegal possession of food stamps—  
SB 17, pages 7, 256  
HB 105, pages 668, 803

**FOOD STAMPS**

Illegal possession of, criminal offense, punishment—  
SB 17, pages 7, 256  
SB 59, page 14  
HB 105, pages 668, 803

**FOREIGN CORPORATIONS**

Registered agent for service of process by—  
SB 201, pages 72, 310, 468, 564, 573

**FORFEITURES AND SEIZURES**

Under uniform controlled substances act, real property shall be subject to—  
SB 205, page 73

**FRANCHISE AGREEMENTS**

Between farm equipment dealers, further provided—  
SB 224, pages 77, 176, 621, 723, 764, 1296, 1399, 1608, Act no. 83-619

**FRATERNAL ORDER OF POLICE**

Tax exempt—  
SB 371, page 250

**FUNERAL SERVICES, STATE BOARD OF**

Qualifications, terms, licensing requirements, inspections, further provided—  
HB 494, pages 715, 804, 1588, 1588, 1612, Act no. 83-746

**FUNERALS**

Ceremonial, permitted by adjutant general of national guard, for eligible veterans—  
SB 330, pages 171, 358, 1035  
HB 94, pages 1063, 1257

**GAME AND FISH ENDOWMENT FUND**

Board of trustees, membership of altered—  
SB 172, pages 55, 355

**GAME, FISH, CONSERVATION AND NATURAL RESOURCES BOARD**

Created, in lieu of advisory board of conservation and natural resources—  
SB 5, pages 5, 354, 505, 607, 1166

**GARNISHEE**

Payment of costs to, whose answer is uncontroverted or in controverted cases—  
SB 341, pages 225, 489

**GARNISHMENT**

Proceedings to enforce child support, further provided—  
SB 454, pages 418, 456, 527  
HB 307, pages 852, 995

**GAS DISTRICTS**

Computation and disposition of net income derived from, further provided—  
SB 63, pages 15, 253, 627, 1296, 1398, 1608, Act no. 83-613

**GAS FITTERS**

Practice and occupation of, certification, further provided—  
SB 543, pages 801, 1343

**GAS PIPELINE SAFETY**

Gas systems to pay .50 fee to public service commission for purposes of—  
SB 207, pages 73, 232, 683  
HB 55, pages 670, 990, 1173, 1200, Act no. 83-588

**GAS SYSTEMS**

Payment of .50 fee by, to public service commission, for gas pipeline safety purposes—  
SB 207, pages 73, 232, 683  
HB 55, pages 670, 990, 1173, 1200, Act no. 83-588

**GAS WELLS**

Certain, exempt from production privilege tax—  
SB 275, page 120

**GASOHOL**

Tax exemptions extended to, shall also be extended to alcohol blended fuel—  
SB 532, pages 711, 869, 1033

**GASOLINE**

Taxes on, further provided—  
SB 128, page 28

## GENERAL CONTRACTORS, STATE LICENSING BOARD FOR

Existence and functioning continued under sunset act—  
HB 364, pages 314, 429, 465, 475, Act no. 83-371

## GENERAL DANIEL "CHAPPIE" JAMES AEROSPACE AND AVIATION MEMORIAL

Appropriation to Tuskegee institute for construction of, from oil and gas windfall construction fund—  
SB 379, pages 283, 739, 1107

City of Tuskegee bond issue authorized to finance, at Tuskegee institute, CA—  
HB 847, pages 1116, 1261, 1407, 1464, Act no. 83-579

Macon county bond issue authorized to finance, at Tuskegee institute, CA—  
HB 845, pages 1117, 1260, 1406, 1466, Act no. 83-578

## GENERAL FUND

Alcoholic beverages, 5% of all "mark up" to be designated to credit of—  
HB 248, pages 137, 486, 766, 808, 809, Act no. 83-427

## GENERAL FUND, STATE

General appropriation budget, 1983-84—  
SB 149, page 52  
HB 236, pages 652, 738, 1474, 1586, 1626, 1726, Act no. 83-771

## GEORGE LINDSEY CELEBRITY BENEFIT, INC.

Tax exempt—  
SB 190, pages 70, 128, 235, 311, 476

## GOLD OR SILVER

Persons buying or selling, registration and licensing of—  
SB 199, pages 71, 490, 941

## "GOOD SAMARITAN ACT"

Amended to include those assisting in mitigating the effects of hazardous material discharge—  
SB 108, pages 23, 233  
HB 230, pages 1295, 1416

## GOVERNOR

Commutation of death sentence by, inmate must serve life imprisonment without parole—  
SB 155, page 53  
SB 221, pages 76, 175  
HB 298, pages 663, 995

Department heads appointed by, procedure for appointment to merit system positions—  
SB 432, pages 349, 456, 1165

## GOVERNOR'S MANSION ADVISORY BOARD

Inventory of articles in governor's mansions further provided—  
SB 448, pages 388, 558

**GRAIN DEALERS**

Bond requirements for—

SB 376, pages 282, 355, 515, 1017, 1140, 1391, Act no. 83-566

**GUBERNATORIAL TRANSITION ACT**

To provide for the orderly and efficient transfer of executive responsibilities and powers from one administration to another—

SB 3, page 4

**GULF BEACH AREA**

Use of red clay on, prohibited—

SB 333, pages 171, 357, 766

**GULF OF MEXICO**

Counties bordering on, governing bodies empowered with certain land use planning and zoning authority—

SB 464, page 419

**GUNS**

Discharging of while hunting within 100 yards of roads, highways, or railroads, without permission of adjacent owner, prohibited—

SB 213, pages 74, 256

District attorneys and assistants permitted to carry—

SB 438, pages 386, 562, 1030

Shooting of, into dwelling, railroad car, or automobile prohibited, penalties—

SB 25, page 8

SB 158, pages 53, 233, 1034

**HANDICAPPED PERSONS**

Housing, nonprofit organizations providing low cost housing for, exempt from ad valorem taxes—

SB 470, pages 449, 996, 1174

Physically or mentally, income tax deduction for in-home care of certain—

SB 370, pages 250, 486

Procedures relating to employment of, in state merit system, preference points—

SB 246, page 92

**HANK WILLIAMS MEMORIAL COMMISSION**

Abolished, new one created and established—

SB 357, pages 229, 491, 534

**HAZARDOUS AND TOXIC WASTE MONITORING FUND**

Created within state treasury for use of department of public safety—

SB 280, page 121

**HAZARDOUS MATERIALS**

Discharge of, exemption from civil liability for those assisting in mitigating the effects of—

SB 108, pages 23, 233

HB 230, pages 1295, 1416

**HAZARDOUS WASTE LAWS**

Corporations, officers and directors of, who fail to report violations of, guilty of class A felony—  
SB 44, pages 11, 423

Corporations, officers and directors of, who wantonly violate, guilty of class A felony—  
SB 43, pages 11, 310

**HAZARDOUS WASTE MANAGEMENT ACT OF 1978**

Amended, to grant sufficient time to review permit applications before approval or disapproval by environmental protection agency—  
SB 266, pages 118, 327  
SB 267, page 118

**HAZARDOUS WASTES**

Transporters of, advance notice to department of public safety required before entering state—  
SB 280, page 121

**HEALTH AGENCIES**

Home, definition of hospitals expanded to include—  
HB 320, pages 967, 1069

State and county, to implement and enforce regulations on boarding and rooming houses—  
SB 332, page 171

**HEALTH CARE**

Blood, persons 17 years or older may give, without parental permission—  
SB 111, pages 24, 562, 825

Medical expense insurance policies shall include reimbursement for services of a mental health counselor—  
SB 116, pages 25, 355, 525, 644, 747, 903, 933, 935, 1015

Optometry, practice of, further regulated—  
SB 203, pages 72, 682, 814

**HEALTH CARE FACILITIES**

“Medical clinic boards” redefined to include certain, for care of elderly persons—  
SB 174, pages 56, 101, 471, 833, 876, 1197, Act no. 83-496  
HB 73, pages 665, 717

**HEALTH CARE SERVICE PLANS**

Third party prescription program act, exemptions from further provided—  
HB 681, pages 1006, 1070, 1338, 1438, Act no. 83-637

**HEALTH CURRICULUM**

Cardiopulmonary resuscitation required as part of, for tenth grade students in public schools—  
HB 446, pages 662, 872, 1051, 1059, Act no. 83-510

## HEALTH DEPARTMENTS

County, persons to perform soil percolation tests and soil borings, training programs for to be assisted by—

SB 129, pages 28, 101, 693

HB 199, pages 847, 872

## HEALTH INSURANCE

Assessment of fees by companies as prerequisite for purchase of, prohibited, penalties provided—

SB 452, page 389

Uniform plan of, for employees of state educational institutions, funding and benefits—

SB 141, page 30

HB 163, pages 652, 720, 1015, 1017, 1018, 1019, 1022, 1024, 1024, 1100, 1104, 1162, Act no. 83-455

## HEALTH PLANNING AND DEVELOPMENT AGENCY, STATE

Advisory council for, provided, selection of, reimbursement, task forces, meetings—

HB 722, pages 1016, 1070

## HEALTH, RADIATION ADVISORY BOARD OF

Appointment of a veterinarian provided—

SB 244, pages 92, 327

## HEALTH, STATE BOARD OF

School personnel, examination of for tuberculosis, determination of same to be by—

SB 72, pages 17, 100

## HEALTH, STATE DEPARTMENT OF

Soil percolation tests and soil borings, training programs provided by for persons performing—

SB 129, pages 28, 101, 693

HB 199, pages 847, 872

## HEARING AID DEALERS AND FITTERS

Further regulated—

SB 405, pages 323, 718

HB 537, pages 969, 1070

## HERITAGE TRUST FUND, ALABAMA

Appropriation from bond issue by, for renovation of capitol and other state buildings—

SB 435, pages 350, 558, 621, 722, 822

HB 693, pages 840, 999, 1729, 1734, Act no. 83-775

Appropriation from, for expenses requisitioned by the Alabama housing finance authority—

SB 331, pages 171, 352, 686, 833, 877, 1197, Act no. 83-498



## HERITAGE TRUST FUND, ALABAMA (Continued)

Supplemental appropriation from, to pay administrative costs of appropriation for interest on the public debt—

SB 270, pages 119, 254, 312, 384, 385, 539, Act no. 83-331

HB 242, page 662

Supplemental appropriation to certain state universities for capital outlay projects from—

SB 95, pages 21, 485, 531

## HIGHWAY DEPARTMENT, STATE

Director of, power granted to, to acquire land and property rights for weigh stations—

SB 382, page 284

Issuance by, of special permits to move certain oversized loads on highways—

SB 121, pages 26, 131

HB 231, pages 976, 1071, 1290, 1427, Act no. 83-646

## HIGHWAYS OR STREETS

Public, aircraft prohibited from landing on, except in the case of an emergency—

HB 355, pages 1017, 1071

## HOLIDAYS, STATE

Mardi Gras exchanged for national memorial day—

SB 469, pages 449, 485, 826

Present number maintained, dates altered—

SB 463, page 419

## HOME HEALTH AGENCIES

Hospitals, definition of expanded to include—

HB 320, pages 967, 1069

## HOMESTEAD EXEMPTIONS

Applications for, tax assessors authorized to accept between January 1 and September 1 of each taxable year—

SB 450, pages 389, 486, 771

From ad valorem taxation, further provided—

SB 101, page 22

From ad valorem taxes, for persons 65 years or older—

SB 486, page 520

HB 373, pages 792, 1415

## HOSPITAL ASSOCIATIONS

County, appointment and terms of directors of—

HB 36, pages 656, 718

**HOSPITAL CARE SERVICES PRICE DISCRIMINATION ACT OF 1983,  
ALABAMA**

Legislative findings regarding competition, pricing, discounts, legal remedies for violation—  
SB 1, page 3

**HOSPITAL INSURANCE**

Mental services, including, shall include services by certified clinical social worker—  
SB 491, pages 521, 721, 1053

Municipal and county employees, further provided—  
SB 404, pages 323, 991, 1159  
HB 661, page 854

**HOSPITALS**

Definition of, expanded to include home health agencies—  
HB 320, pages 967, 1069

**HOTEL PROJECTS**

Municipal property for, lease of permitted—  
SB 195, page 71  
HB 616, page 715

**HOUSE OF REPRESENTATIVES**

House districts nos. 21 and 20 in reapportionment act reversed—  
HB 741, pages 1006, 1263  
HB 922, pages 1206, 1420

Journals of, printing further provided—  
SB 306, pages 166, 425, 502, 708, 735, 858, Act no. 83-431  
HB 495, page 600

**HOUSING**

Factory-built, certification of, regulation, administration and enforcement of—  
SB 184, pages 69, 131  
HB 317, pages 969, 1077

Nonprofit organizations providing low cost, for elderly and handicapped, exempt from ad valorem taxes—  
SB 470, pages 449, 996, 1174

**HOUSING AUTHORITIES LAW**

Amended to include dwelling accommodations within means of persons of low or moderate income—  
SB 183, pages 68, 101, 526, 644, 747

**HOUSING FINANCE AUTHORITY, ALABAMA**

Appropriation from Alabama heritage trust fund for expenses requisitioned by—  
SB 331, pages 171, 352, 686, 833, 877, 1197, Act no. 83-498

## HOUSING FINANCE AUTHORITY, ALABAMA (Continued)

Membership and appointments to, qualifications and terms of members—

SB 389, pages 285, 426, 589, 834, 877, 1197, Act no. 83-499

HB 612, page 852

## HUMAN RESOURCES BOARD, ALABAMA

Established, to utilize all available manpower in the state, membership, authority, compensation, penalties—

SB 254, pages 94, 426

## HUNTING

Discharging of firearms, while hunting within 100 yards of roads, highways, or railroads, without permission of adjacent owner, prohibited—

SB 213, pages 74, 256

## HUNTING AND FISHING

Annual resident fishing licenses, persons over 65 years of age exempt from—

HB 301, pages 977, 1066, 1588, 1612, Act no. 83-743

Birds and animals, taking of protected birds or animals by traps, nets, etc., reference to poisons and chemicals deleted—

SB 197, pages 71, 256, 828, 1078

Conservation and natural resources, department of, game and fish endowment fund, board of trustees of, membership altered—

SB 172, pages 55, 355

Control of hunting of certain wildlife species by department of conservation and natural resources in Black Warrior wildlife management area in Lawrence and Winston counties—

SB 301, page 149

HB 690, pages 969, 1264

Fishing licenses for totally disabled persons—

HB 144, pages 856, 874

Nonresident annual and trip fishing licenses, fees increased—

SB 276, pages 120, 286, 602, 683, 776, 788, 903

Resident licenses, costs, and issuance fee, distribution of—

SB 365, page 249

## HUNTSVILLE-MADISON COUNTY HISTORICAL SOCIETY

Tax exempt—

SB 430, page 349

## HUNTSVILLE SYMPHONY ORCHESTRA ASSOCIATION

Tax exempt—

SB 358, page 229

## HUNTSVILLE SYMPHONY ORCHESTRA GUILD

Tax exempt—

SB 359, page 229

**IDENTIFICATION CARDS**

Nondriver, shall not bear an expiration date—  
HB 785, pages 1275, 1416

**IDIOPATHIC SCOLIOSIS**

Testing for, required for certain students in public schools—  
SB 411, pages 324, 454, 808

**IMITATION CONTROLLED SUBSTANCES ACT**

Provisions of these acts incorporated into—  
SB 4, pages 4, 358  
SB 19, page 7  
SB 35, page 10  
SB 211, pages 74, 993, 1175

**INCOME TAXES**

Check-off provided for support of political parties, prescribed—  
SB 209, pages 74, 351, 778, 1210, 1726, 1732, 1736, Act no. 83-781

Checkoff provided to fund children's trust fund to prevent child abuse  
and neglect—  
SB 261, pages 117, 352  
HB 56, pages 850, 997, 1590, 1615, Act no. 83-735

Deduction provided for in-home care of certain physically or mentally  
handicapped persons—  
SB 370, pages 250, 486

Municipal retirement allowances exempt from—  
SB 234, pages 91, 352

**INCOME WITHHOLDING**

Court ordered continuing, by employers, to enforce child support, fur-  
ther provided—  
SB 454, pages 390, 488, 798  
HB 307, pages 852, 995

**INDIAN AFFAIRS COMMISSION, ALABAMA**

Established, powers and duties defined—  
SB 511, page 617  
HB 813, pages 978, 1068

**INDICTMENTS**

Criminal, and warrants, etc., contents and styling of prescribed—  
SB 13, pages 6, 175  
SB 396, pages 308, 424  
HB 308, pages 658, 994

**INDUSTRIAL DEVELOPMENT AUTHORITY, STATE**

Bond issue of \$6,000,000 authorized for industrial development—  
SB 555, pages 866, 996, 1195

Cigarette tax revenue reallocated to retire bonds of—  
SB 556, pages 866, 997, 1196

**INDUSTRIAL DEVELOPMENT BOARD**

Property leased from, ad valorem tax exemption on, limited (Wallace act)—

SB 462, pages 419, 456

Property leased from, ad valorem tax on, exemption limited (Cater act)—

SB 460, pages 419, 456

Municipal, permitted to provide projects for commercial enterprises providing certain linen rental services—

SB 49, pages 13, 99, 477

HB 130, pages 314, 607, 676, 686, Act no. 83-430

**INDUSTRIAL PARKS**

Municipalities to have authority to enter into land agreements with respect to—

SB 431, pages 349, 558, 650, 746, 765

**INDUSTRIAL RELATIONS, DEPARTMENT OF**

Law enforcement officers of, to be included in acts pertaining to retention of badges and pistols on retirement, and death and disability benefits—

SB 282, page 121

HB 724, pages 1064, 1263

**INDUSTRY**

Labor, commissioner of, authorized to establish procedures to assist unemployed or underemployed employees during economic disability—

SB 133, pages 29, 130

HB 126, pages 840, 874, 1030, 1183, 1200, Act no. 83-590

**INHERITANCE TAXES**

Due dates and interest on delinquent payments changed—

HB 243, pages 137, 486, 1431, 1432, 1441, 1602, 1616, Act no. 83-740

**INSANITY**

Criminal, notices and hearings required prior to release of certain persons suffering from—

SB 26, page 8

Defense of, abolished—

SB 16, page 7

Test devised to determine, in criminal offense—

SB 157, page 53

HB 269, page 656

**INSANITY REFORM ACT OF 1983**

Designated, relative to abolition of insanity defense—

SB 16, page 7

Designated, test devised to determine, in criminal offense—

SB 157, page 53

HB 269, page 656

**INSURANCE**

Applicability of, to hospital services—  
SB 1, page 3

Hospital, for municipal and county employees—  
SB 404, pages 323, 991, 1159  
HB 661, page 854

Hospital, which includes mental services, shall include services by certified clinical social worker—  
SB 491, pages 521, 721, 1053

Legal expense, certain insurers permitted to transact business of—  
HB 648, pages 1064, 1256, 1441

Liability, all operators of motor vehicles required to have coverage, or financial security—  
SB 173, pages 55, 721

Liability, for state employees, protection against wrongful acts or omissions—  
SB 109, pages 24, 487, 684, 961, 970, 1198, Act no. 83-521

Medical expense policies shall include reimbursement of services rendered by mental health counselors—  
SB 116, pages 25, 355, 525, 644, 747, 903, 933, 935, 1015

State employees' insurance board, membership further provided—  
SB 110, pages 24, 173, 772, 1005, 1049, 1268  
SB 248, pages 93, 252, 824  
HB 191, pages 975, 1077, 1268, 1427, Act no. 83-645  
HB 461, pages 841, 989

**INSURANCE BOARD, STATE EMPLOYEES'**

Membership further provided—  
SB 110, pages 24, 173, 772, 1005, 1049, 1268  
SB 248, pages 93, 252, 824  
HB 191, pages 975, 1077, 1268, 1427, Act no. 83-645  
HB 461, pages 841, 989

**INSURANCE CODE**

Amended, to limit investment of insurers in oil and gas producing properties—  
SB 38, pages 10, 131, 158, 258, 465, 961, 970, 1198, Act no. 83-522  
HB 224, pages 670, 721, 1055, 1342, 1430, Act no. 83-669

**INSURANCE, COMMISSIONER OF**

Penalty levied by, against insurers for deadline violation following administrative hearing—  
SB 165, pages 54, 132, 1186

Penalty levied by, against insurers for late annual statement—  
SB 164, pages 54, 132

**INSURANCE COMPANIES**

Fire losses, information on, to be shared by, with state fire marshal and law enforcement agencies—  
SB 273, page 119

## INSURANCE COMPANIES (Continued)

Investments of, further provided—

SB 284, pages 145, 485, 614, 619, 621

SB 285, pages 146, 485, 622

SB 286, pages 146, 485, 622

Motor vehicle safety responsibility act amended to increase amount of property damage required for reporting to—

SB 439, page 387

Prohibition of assessment of fees by, as prerequisite for purchase of insurance, penalties provided—

SB 452, page 389

Reports by, on fire losses over \$500.00, required—

SB 274, pages 120, 255

## INTELLECTUALLY GIFTED CHILDREN

Local legislation authorized which would assign certain exceptional children teacher units to—

SB 185, pages 69, 151, 505, 608, 612

## INTERFERENCE OF CHILD CUSTODY

Declared a felony, penalties increased—

SB 37, pages 10, 176

SB 75, page 18

SB 517, pages 619, 802, 963

HB 214, pages 658, 995, 1147, 1167, Act no. 83-571

## INTERSTATE MOTOR CARRIERS

General bonding requirements removed—

HB 375, pages 664, 803

## INTERSTATE 65

Telephone call boxes, emergency, provided on, between Montgomery and Mobile—

SB 482, pages 484, 526, 689, 1037, 1213

HB 133, pages 655, 739, 1213, 1265

## INVENTORIES

Personal property, by state agencies, further provided—

SB 446, pages 388, 559, 825

SB 447, pages 388, 559, 826

## INVESTIGATORS

Attorney general's, authority, powers, and compensation of—

SB 32, page 9

Bank, definition, appointment, qualifications, and powers of—

SB 521, pages 619, 721

## INVESTMENTS

Insurance companies, certain prohibited—

SB 286, pages 146, 485, 622

## INVESTMENTS (Continued)

Insurance company, in stocks or shares of certain corporations, further provided—

SB 284, pages 145, 485, 614, 619, 621

SB 285, pages 146, 485, 622

## JAIL

Convicted defendants in misdemeanors to reimburse city or county for incarceration in—

HB 227, pages 840, 993, 1347

## JAIL AND CRIMINAL DETENTION FACILITIES

Governmental contracts providing, exempt from competitive bidding—

SB 443, pages 387, 559, 930, 942, 1027

## JONES LAW INSTITUTE

Board of commissioners of state bar prohibited from denying admission to bar exam of graduates of, on grounds of insufficient legal training—

SB 488, page 520

Graduates of, under certain circumstances, eligible to take bar exam—

SB 278, pages 120, 176, 600, 769

## JUDGES

Circuit, service as municipal may be counted toward retirement as—

SB 179, page 68

SB 483, pages 484, 564, 650, 746, 765

Municipal, service as may be counted toward retirement as circuit—

SB 179, page 68

SB 483, pages 484, 564, 650, 746, 765

Pardons and paroles, state board of, notice of meetings required to be given to certain—

SB 48, page 12

## JUDGES, CIRCUIT

Prior service as municipal judge may be counted toward retirement as—

SB 179, page 68

SB 483, pages 484, 564, 650, 746, 765

## JUDGES, MUNICIPAL

Prior service as, may be counted toward retirement as circuit judge—

SB 179, page 68

SB 483, pages 484, 564, 650, 746, 765

## JUDICIAL ARTICLE IMPLEMENTATION ACT

Court employees who became state employees under, retirement benefits further provided—

SB 398, page 308

## JUDICIAL CIRCUITS

10th (Jefferson), conditional appropriation for additional judgeship—

SB 541, page 801



## JUDICIAL CIRCUITS (Continued)

- 11th (Lauderdale), conditional appropriation for additional judgeship—  
SB 541, page 801
- 13th (Mobile), circuit judge assigned to department of investigation recovery, administrative assistant for—  
HB 636, pages 556, 745, 890, 908, Act no. 83-479
- 14th (Walker), district attorney, felony investigator for authorized—  
HB 892, pages 1121, 1422
- 14th (Walker), district attorney's investigators, powers and authority established—  
HB 865, pages 1120, 1421
- 15th (Montgomery), conditional appropriation for additional judgeship—  
SB 541, page 801
- 17th (Sumter), circuit clerk, expense allowance—  
HB 327, pages 156, 1426
- 18th (Clay, Coosa, Shelby), circuit court judge entitled to receive credit for service as district attorney and/or county court judge—  
SB 100, pages 22, 1065
- 21st (Escambia), district attorney, expense allowance—  
SB 477, pages 483, 563, 608
- 23rd (Madison), special services division in district attorney's office—  
HB 760, pages 638, 742, 885, 908, Act no. 83-483
- 37th (Lee), judgments, filing for record and preservation of by any judge—  
SB 490, pages 520, 563, 609, 1127, 1141, 1391, Act no. 83-570
- 37th (Lee), not guilty plea prior to arraignment shall constitute waiver—  
SB 489, pages 520, 563, 609, 1126, 1141, 1391, Act no. 83-569
- Having certain penitentiary population, office of public defender created in—  
HB 601, pages 1117, 1256

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- Revised, in circuit and district courts, to enhance general fund—  
HB 340, pages 662, 718, 1176, 1184, 1412, 1607, 1612, Act no. 83-744

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- Conviction based on a nolo contendere plea shall have same status in this state as any other conviction—  
SB 222, pages 76, 174  
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State, required to finance 25% of annual budgets from local support—  
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Appointment, compensation, method of submitting claims to state—  
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SB 37, pages 10, 176  
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Charitable organizations for state employees' payroll deductions, authorized to be added—  
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Procedures to assist unemployed or underemployed employees, authorized—  
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Agreements concerning, municipalities to enter into, relative to industrial parks—  
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Search warrants, municipal policemen and others granted additional authority to execute search warrants—  
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Sheriffs, deputy, employment, service, disciplining, and dismissal of, further provided—  
SB 176, page 56

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Motor vehicles, all operators of, required to have coverage, or financial security—  
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County and municipal property tax for purposes of, CA—  
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Free public, powers and duties of library boards—  
SB 336, pages 172, 327

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Firefighters' motor vehicle, to cost same amount as rescue squad  
members—  
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Motor vehicle, for veterans, further provided—  
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Chiropractic students, qualifications for issuing to, and/or graduates in  
preceptorship and extern program—  
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Driver's, driving of motor vehicles while cancelled, suspended, or re-  
voked, further penalties when result of DUI offense—  
SB 88, page 20

Fishing, for disabled persons, further provided—  
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Gold and silver, those buying or selling, registration and licensing of  
further regulated—  
SB 199, pages 71, 490, 941

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SB 405, pages 323, 718  
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Real estate, brokers, salesmen, transactions further provided—  
SB 65, pages 15, 252, 473, 968, 1021, 1198, Act no. 83-516

Security guards, regulated and provided for—  
SB 326, pages 170, 424

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Motor vehicle, traffic infractions regarding, further provided—  
SB 344, pages 225, 489

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Physician shall have, upon any cause of action accruing to any injured person to whom he furnishes care and treatment—  
SB 374, page 251

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SB 510, pages 617, 994, 1168

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Death penalty, when commuted by governor, alternate punishment for, without parole—  
SB 155, page 53

**LIMITED PARTNERSHIP ACT, ALABAMA, OF 1983**

Designated, revising present statute on limited partnerships—  
SB 127, pages 28, 151, 180, 288, 468, 1005, 1021, 1198, Act no. 83-513

**LIMITED PARTNERSHIPS**

Current statute on, revised—  
SB 127, pages 28, 151, 180, 288, 468, 1005, 1021, 1198, Act no. 83-513

**LINEN RENTAL SERVICES**

Commercial enterprises providing certain, municipal industrial development boards permitted to provide projects for—  
SB 49, pages 13, 99, 477  
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SB 50, pages 13, 174  
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Retail, no person under 21 shall be admitted to as patron—  
SB 52, pages 13, 1069

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**LIVESTOCK DEALERS**

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Small and consumer, license fees of those making, distribution of revenue—  
HB 509, pages 851, 991, 1596, 1613, Act no. 83-747



**LOCAL GOVERNMENT**

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Junior colleges, state, required to finance 25% of annual budgets from—  
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Tax exempt—  
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Certain state employees to receive—  
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**LONG-TERM CARE OMBUDSMAN ACT**

Designated, rights of older persons protected—  
SB 300, page 148

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Appropriation—  
SB 170, page 55  
HB 241, pages 651, 1065, 1348, 1437, Act no. 83-729

**MAJORITY**

Age of, amended relative to consuming, purchasing, and selling of alcoholic beverages—  
SB 52, pages 13, 1069

**MARDI GRAS**

Replaced as state holiday by national memorial day—  
SB 469, pages 449, 485, 826

**MARINE POLICE DIVISION**

Motorboat owners prohibited from permitting persons under 16 to operate alone, unless qualified or certified by—  
SB 180, pages 68, 255, 524, 644, 746

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Appropriation—  
SB 169, page 55  
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**MARTIN LUTHER KING MEMORIAL DAY**

Established as state holiday—  
SB 463, page 419

**MAYORS**

Municipal elections for, in municipalities without commission form of government, to be on second Tuesday of July—  
SB 94, pages 21, 987  
HB 180, pages 1299, 1418

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Planning commissions, municipal, may appoint supernumerary to serve on—

SB 198, pages 71, 455, 492, 681, 736, 858, Act no. 83-437

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Land surveying and engineering services included under provisions of, certain limitations removed—

SB 390, page 285

**MEDICAID**

Copayment of prescription drugs, amended to conform to tax equity and fiscal responsibility act of 1982—

HB 807, page 1295

**MEDICAL BOARD**

Retirement system, further review by, of application for judicial retirement based on permanent mental or physical disability—

SB 343, page 225

**MEDICAL CLINIC BOARDS**

Ad valorem taxation, leasehold interest in property owned and leased by subject to—

SB 461, pages 419, 484

Amended to broaden the statement of the purposes of—

SB 174, pages 56, 101, 471, 833, 876, 1197, Act no. 83-496

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**MEDICAL EQUIPMENT**

Durable, exempt from privilege tax on leasing or renting of tangible personal property—

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**MEDICAL EXAMINERS, STATE BOARD OF**

Applications for examinations administered by, further regulated—

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Certain, dispensed by physicians, tax exempt—

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**MEETINGS**

At least one, per month, required for city councils—

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**MEMORIAL DAY, NATIONAL**

To replace Mardi Gras as state holiday—

SB 469, pages 449, 485, 826

**MENTAL CONDITION DEFENSE**

Must be pleaded at arraignment—  
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**MENTAL HEALTH AND MENTAL RETARDATION BOARD**

Created—  
SB 297, pages 148, 287, 526, 645, 748, 828

**MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF**

Mental health, department of, renamed as—  
SB 297, pages 148, 287, 526, 645, 748, 828

**MENTAL HEALTH ASSOCIATION IN ALABAMA, INC.**

Included in charitable organizations approved for payroll deductions of public employees—  
SB 499, pages 569, 740

**MENTAL HEALTH, DEPARTMENT OF**

Designated as the department of mental health and mental retardation—  
SB 297, pages 148, 287, 526, 645, 748, 828

Notices and hearings required before release by, of certain persons declared criminally insane—  
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Superintendent and physicians of, taking of depositions from, allowed in criminal proceedings—  
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**MENTAL ILLNESS**

Criminal defendants who committed act while suffering, procedure for hearings prior to release from custody—  
HB 75, pages 670, 1255

**MENTAL SERVICES**

Hospital insurance including, shall include services by certified clinical social worker—  
SB 491, pages 521, 721, 1053

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Budget officer, state, may be employed from within or without—  
HB 198, pages 670, 740, 810, 828, 835, Act no. 83-438

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SB 118, page 26

Employees of, reinstatement procedure—  
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Handicapped persons, procedures relating to employment of in, preference points—  
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Positions under, department heads appointed by governor, procedure  
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Local, or personnel systems, participation by juvenile probation officers  
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banks—  
SB 351, page 227  
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**MILES COLLEGE SCHOOL OF LAW**

Board of commissioners of state bar prohibited from denying admission  
to bar exam of graduates of, on grounds of insufficient legal  
training—  
SB 488, page 520

Graduates of, under certain circumstances, eligible to take bar exam—  
SB 278, pages 120, 176, 600, 769

**MILITARY DUTY**

Acts done in discharge of, actions against members of national guard  
for, indemnification of state—  
SB 191, pages 70, 357, 929, 1214, 1271, 1392, Act no. 83-606

**MILITARY PREFERENCE**

State merit system, lay-off of employees of, further provided—  
SB 177, pages 68, 173

**MILITARY SERVICE**

Persons on active duty in, grace period for renewal of drivers' licenses  
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Retirement systems, state, reopened for certain—  
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**MINES AND MINING**

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moval of coal in good faith—  
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Law enforcement officers, training of, further provided—  
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**MINOR**

Notice to parent required before performing an abortion on an unemancipated—  
SB 255, pages 94, 175

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Age of, persons 17 years of age or older may give blood without parental permission—  
SB 111, pages 24, 562, 825

Age of, under alcoholic beverage laws, increased to 21—  
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Pornography, display and distribution to—  
SB 153, pages 52, 257, 1025

**MISDEMEANORS**

Convicted defendants in, to reimburse city or county for incarceration in jail—  
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**MOBILE AREA CHAMBER OF COMMERCE FOUNDATION, INC.**

Tax exempt—  
SB 57, pages 14, 253, 1036

**MOBILE BAY**

Catching of shrimp in certain areas of, by persons other than licensed bait shrimp dealers, further provided—  
SB 538, page 800  
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Land patent conveying a portion of, to university of south Alabama, negated and transferred to state—  
HB 247, pages 714, 742, 1339

**MOBILE BAY EXTRAORDINARY SURVEILLANCE ESCRO FUND**

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**MOBILE BAY OR HARBOR**

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SB 465, pages 420, 651

**MOBILE HOMES**

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SB 502, page 615  
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**MOTOR CARRIER VEHICLES**

Registration fee on, to public service commission, increased—  
SB 208, pages 73, 232, 687  
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**MOTOR CARRIERS**

Interstate, general bonding requirements removed—  
HB 375, pages 664, 803

**MOTOR FUELS**

Diesel fuel used for off-highway agricultural purposes, exempt from sales and use taxes—  
HB 21, pages 840, 997, 1109, 1145, Act no. 83-576  
Tax exemptions extended to gasohol shall also be extended to alcohol blended fuel—  
SB 532, pages 711, 869, 1033

**MOTOR VEHICLE SAFETY RESPONSIBILITY ACT**

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SB 439, page 387  
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Abandoned, sale of further regulated—  
SB 80, pages 19, 232, 517, 833, 876, 1197, Act no. 83-494  
SB 476, page 483  
All operators of, required to have certain liability insurance coverage or financial security—  
SB 173, pages 55, 721  
Certificate of title for, further provided—  
SB 412, pages 324, 742  
HB 305, pages 852, 990  
Confiscation provided after three convictions of DUI, for refusal to take breath test, and while license revoked—  
SB 220, page 76  
Drinking or possession of open alcoholic beverages in passenger area of, prohibited, penalties—  
SB 225, page 77

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- Driver's operating record, cost of adjusted—  
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- Driving of, while license is cancelled, suspended, or revoked, further penalties when result of DUI offense—  
SB 88, page 20
- Driving under the influence of alcohol or controlled substances, defendant's prior driving record to be placed in evidence in court proceedings—  
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- Driving under the influence of alcohol or controlled substances, minimum weight in blood for conviction decreased, penalties increased—  
SB 212, pages 74, 257  
HB 264, pages 791, 994, 1136, 1209, 1469, 1572, Act no. 83-620
- Driving under influence of alcohol or controlled substances, municipalities required to enforce state laws concerning—  
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- Drunk driving enforcement task force created within department of public safety—  
SB 84, pages 19, 129
- Front tags or plates, to comply with certain federal reflective standards—  
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- License fees and taxes for veterans, further provided—  
SB 271, page 119
- Renting, hiring, and using, harsher penalties inflicted for violations—  
SB 131, pages 29, 256, 470, 564, 574, 1017, 1140, 1391, Act no. 83-564
- School busses, overtaking and passing of, penalties increased—  
SB 143, pages 51, 175, 504, 607, 612
- Sizes and weights of, further provided—  
SB 473, page 450  
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- Special permits issued by highway department to move certain oversized loads on highways—  
SB 121, pages 26, 131  
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- Traffic infraction penalties increased, additional funding to be used for courses of instruction for truck drivers—  
HB 578, pages 967, 1071, 1432, 1432, 1434, 1578, Act no. 83-724
- Traffic infractions regarding licenses and tags, further provided—  
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- Transporters of hazardous or toxic wastes, advance notice by, to department of public safety, before entering state—  
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HB 233, pages 857, 990

Veterans, disabled, license plates for, exempt from ad valorem taxes—  
SB 364, pages 249, 358, 1036

Warranties, refunds for failure to conform to—  
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Windshields and windows, tinting of prohibited—  
SB 423, pages 348, 802  
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State employees', reimbursement further provided—  
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**MUNICIPALITIES**

Ad valorem taxes, local taxing authorities allowed to increase, up to amount of any former voluntary decrease in, CA—  
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Certain employees of, where boundaries extend into more than one county, may participate in county civil service systems—  
SB 310, page 167

City councils, at least one regular meeting per month required—  
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City treasurer and clerk, residence requirements of, in certain—  
SB 137, pages 30, 356, 764, 1005, 1164  
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SB 478, pages 483, 533  
SB 536, pages 737, 991, 1300

Class 5, referendum elections on dog leash ordinances—  
SB 245, pages 92, 253, 478, 635, 647, 696, Act no. 83-423

Class 6, having council-manager form of government, authorized to have alternate form—  
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Condominiums and time-share estates, governing bodies to regulate development of—  
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## MUNICIPALITIES (Continued)

- Convicted defendants in misdemeanors to reimburse, for incarceration in jail—  
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- Distance from, construction and development of wharves and wharf sites, extended to 25 miles—  
SB 196, pages 71, 173, 235, 311, 509  
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- Distribution of revenues to, by state agencies, payments of less than \$5 eliminated—  
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- Education, boards of, reasonable compensation plans for members established—  
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Properties producing, investment of insurers in, limited—

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SB 514, page 618

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**"PAY PERIODS"**

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For state employees, further provided—

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**PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALABAMA**

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**PER DIEM AND MILEAGE ALLOWANCE**

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**PROFESSIONAL CORPORATION LAWS**

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SB 422, pages 348, 558

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SB 447, pages 388, 559, 826

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SB 239, pages 91, 130, 768, 769, 1299, 1399, 1608, Act no. 83-618

Railroad equipment not owned by railroad, under jurisdiction of—  
SB 307, page 166

Sewage collection and treatment facilities, regulation of fees charged by, under jurisdiction of—  
SB 260, page 95

**PUBLICITY AND INFORMATION, BUREAU OF**

Name changed to bureau of tourism and travel—  
SB 362, pages 249, 288, 1055  
SB 481, pages 484, 740, 828, 1078  
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SB 265, pages 118, 357  
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Appointment of a veterinarian provided—  
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Equipment used but not owned by, under jurisdiction of public service commission—  
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Eviction action brought under section 35-9-80 may be removed by defendant from district to circuit court—  
SB 342, pages 225, 488

**REAL ESTATE BUSINESS**

Brokers, salesmen, and transactions further regulated—  
SB 65, pages 15, 252, 473, 968, 1021, 1198, Act no. 83-516

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Timesharing vacation facilities, business of selling or leasing, responsibilities in connection with—  
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County, voter registration file maintenance system established to assist—  
SB 206, page 73

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Service on, relative to business with which the board member is associated, further provided—  
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Parolees and probationers, contributions by toward cost of, increased—  
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Coastal counties, governing bodies empowered with certain land use planning and zoning authority—  
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Court-ordered, board of pardons and paroles shall not grant civil and political rights until made—  
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Court ordered continuing income withholding as means of enforcing—  
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Designated, regarding court ordered continuing income withholding as means of enforcing restitution—  
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## RETIREMENT SYSTEMS

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## RETIREMENT SYSTEMS, STATE

County officers and employees, certain, who are deemed blind, entitled to minimum benefit allowances from—  
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SB 425, pages 348, 739

Employees', office of prosecution services, employees eligible for membership in—  
SB 445, page 388  
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Judicial, further review of application for, based upon permanent mental or physical disability, by medical board of—  
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Judicial retirement fund, time served as municipal judge may be counted toward retirement as circuit judge—  
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Policeman's retirement system, certain personnel formerly employed by alcoholic beverage control board, to be considered members of—  
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## RETIREMENT SYSTEMS, STATE (Continued)

Preretirement death benefit program created for all employees covered under—

SB 227, pages 89, 562, 689, 1298, 1398, 1608, Act no. 83-616

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HB 697, pages 853, 874

Teachers', any agency covered by, may elect to have employees covered by uniform health insurance plan—

SB 141, page 30

Teachers', law changed to eliminate the prerequisite 30 to 90 days filing period—

SB 103, page 23

## REVENUE FORECAST CONTROL COMMISSION

Established, to project anticipated state revenue and prohibit legislature from appropriating certain amount based on—

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Gasoline and aviation fuel taxes, distribution further provided—

SB 128, page 28

Responsibility for collecting income tax checkoff for children's trust fund—

SB 261, pages 117, 352

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## "REVISED ALABAMA PROFESSIONAL CORPORATION ACT"

Designated, combining professional corporation laws with professional association laws—

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Acquisition of, by private parties, further provided—

SB 89, pages 20, 286, 474, 581

## ROADS AND BRIDGES

Contractors gross receipts tax on projects, exemption deleted when municipality or county is joint party with the state—

HB 260, pages 137, 487, 1440, 1441, 1578, Act no. 83-723

Hunting within 100 yards of, discharging of firearms while, without permission of adjacent owner, prohibited—

SB 213, pages 74, 256

## ROADS AND HIGHWAYS

Blue reflective markers indicating location of fire/water hydrants along, provided—

SB 337, pages 172, 357, 935

## ROADS AND HIGHWAYS (Continued)

Interstate highway 65, emergency telephone call boxes provided on, between Montgomery and Mobile—

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## RUBELLA VACCINE

Appropriation to department of public health for, to prevent birth defects—

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## SAFE STREETS ACT, 1983

Designated, inmates convicted of certain crimes ineligible for work release—

SB 28, page 9

SB 150, page 52

## SALES TAX

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HB 534, pages 841, 870, 1436, 1440, 1571, 1575, Act no. 83-720

## SALES TERRITORIES

Alcoholic beverages, sales of to be regulated by alcoholic beverage control board according to—

SB 117, pages 25, 173

HB 149, pages 795, 990, 1597

## SANITATION SERVICES

County contracts for, exempt from competitive bid law—

SB 68, pages 16, 99, 164, 258, 468, 980, 1021, 1198, Act no. 83-515

## SAVINGS AND LOAN ASSOCIATIONS

State banks permitted to engage in business authorized for national bank or federal, and may bid upon and acquire troubled out-of-state—

SB 256, pages 94, 132

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## SAWDUST

Trucks hauling, for poultry farming operations, exempt from truck weight and permit requirements—

SB 238, pages 91, 352, 602, 682, 775

**SCHOOL BUSES**

Overtaking and passing of, penalties increased—  
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**SCHOOL PERSONNEL**

Examination of, for tuberculosis, certain requirements deleted—  
SB 72, pages 17, 100

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County, need not be appointed by county board of education—  
SB 178, pages 68, 454

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SB 229, pages 90, 286  
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Confidentiality of circulation and registration records of libraries provided—  
SB 322, pages 169, 327, 591, 1016, 1140, 1391, Act no. 83-565

Personal leave for teachers, further provided—  
SB 299, pages 148, 327, 573, 683, 759, 1279, 1394, 1608, 1620

Public, cardiopulmonary resuscitation required as part of health curriculum for tenth grade students in—  
HB 446, pages 662, 872, 1051, 1059, Act no. 83-510

Public, employees of, exempt from liability for communications to parents and law enforcement officers regarding suspected use, possession, and sale of controlled substances by any student—  
HB 27, pages 967, 1425

Public postsecondary, tuition and textbooks provided for survivors of policemen and firefighters killed in the line of duty—  
SB 542, pages 801, 989

Public school kindergarten program, gross receipts tax levied on dog track operations for support of, CA—  
SB 202, page 72

Public, testing for idiopathic scoliosis required for certain students in—  
SB 411, pages 324, 454, 808

Special educational trust fund, Alabama, appropriation from to match American legion scholarships increased—  
SB 236, pages 91, 254, 589

Special educational trust fund budget, 1983-84—  
SB 148, page 52  
HB 245, pages 652, 1066, 1348, 1431, 1573, 1586, 1614, Act no. 83-753

State junior colleges and trade schools to provide free tuition for continuing education courses to certain unemployed persons—  
SB 231, pages 90, 151

Teachers and principals in, to develop budgets for instructional materials and supplies—  
SB 233, pages 90, 286, 580, 683, 760, 761, 763, 764, 1276, 1399, 1608, Act no. 83-617

## SCHOOLS (Continued)

Transient occupancy tax, exempt from paying, when lodgings used for vocational education programs—  
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## SCOLIOSIS, IDIOPATHIC

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Night time, issuance of warrants for, further provided—  
SB 6, page 5  
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## SECRETARY OF STATE

Appropriation to, supplemental, for 1983 elections and to cover charges incurred in finance department data systems management division for business corporations records—  
SB 385, pages 284, 353, 539, 1726, 1732, 1736, Act no. 83-783

Reporting of campaign finances to, required by political action committees and candidates—  
SB 453, pages 389, 741, 1277

## SECURITIES

Brokers and dealers in, regulation of further provided—  
SB 508, pages 617, 875, 1050

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Director of, salary—  
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## SECURITY AGREEMENTS

Agricultural, to be secured by after-acquired collateral including seed and crops—  
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**SEIZURE**

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SB 56, pages 14, 1069

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Journals of, printing further provided—  
SB 306, pages 166, 425, 502, 708, 735, 858, Act no. 83-431  
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**SENATE DISTRICT 8**

Economic development committee created in—  
SB 407, pages 323, 1004, 1106

**SENIOR CITIZENS HALL OF FAME**

Established—  
SB 369, pages 250, 356, 505, 608, 613, 975, 1022, 1198, 1285, 1342,  
1452, 1608, Act no. 83-674

**SENTENCE**

Death, commutation of by governor, inmate must serve life imprisonment without parole—  
SB 221, pages 76, 175  
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**SENTENCES**

Death penalty repealed, life imprisonment without parole the maximum punishment—  
SB 429, page 349

Minimum and maximum terms of confinement on certain convictions—  
SB 154, pages 53, 309, 1176

Of 10 years or less, minimum term of confinement increased—  
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**SENTENCING JUDGE**

Victim's impact statement required to be presented before—  
SB 317, pages 168, 562

**SEPARATION, VOLUNTARY**

Children of, custody and education of, shared parenting—  
SB 403, pages 322, 562

**SALES TERRITORIES**

For alcoholic beverages, established—  
SB 117, pages 25, 173  
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For electric suppliers, established—  
SB 349, page 227

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Oil and gas, to be reduced after October 1, 1983—  
SB 181, page 68

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Regulation of fees charged by collection and treatment facilities, to be under jurisdiction of public service commission—  
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Mechanical, to treat wastewater from individual homes—  
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Issuance of bonds by sewer authority, further provided—  
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ALABAMA**

Established, incorporation and other provisions of—  
SB 70, pages 16, 129, 220, 288, 622  
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Employment, service, disciplining and dismissal of—  
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**SHOALS PRESBYTERIAN APARTMENTS, INC.**

Tax exempt—  
SB 419, pages 347, 486, 769, 774  
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**SHRIMP**

Catching of, by persons other than licensed bait shrimp dealers, further provided—  
SB 538, page 800  
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**SICK LEAVE**

Teachers' accumulated, may apply toward earlier retirement—  
SB 427, pages 349, 454

**SITE-BUILT RESIDENTIAL BUILDINGS**

Special permits issued by highway department to move, on highways—  
SB 121, pages 26, 131  
HB 231, pages 976, 1071, 1290, 1427, Act no. 83-646

**SMALL BUSINESS ASSISTANCE ACT, ALABAMA**

Designated, for development and expansion of small businesses in the state—

HB 665, pages 1274, 1417

**SMALL BUSINESS ASSISTANCE CORPORATION, ALABAMA**

Created, for development and expansion of small businesses in the state—

HB 665, pages 1274, 1417

**SMALL LOAN ACT, ALABAMA**

Amended, license fees altered, distribution of said revenue—

HB 509, pages 851, 991, 1596, 1613, Act no. 83-747

Amended, providing further for annual reports of licensees under—

SB 302, pages 149, 319, 355

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**SOCIAL WORKER**

Certified clinical, hospital insurance including mental services shall include services by—

SB 491, pages 521, 721, 1053

**SOIL PERCOLATION TESTS AND SOIL BORINGS**

Persons to perform, training provided for by state health department—

SB 129, pages 28, 101, 693

HB 199, pages 847, 872

**SOLID WASTE DISPOSAL FACILITIES**

Governmental contracts providing, exempt from competitive bidding—

SB 443, pages 387, 559, 930, 942, 1027

**SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT**

Previous act amended to conform with other states and change effective date—

HB 142, pages 669, 872, 1027, 1059, Act no. 83-511

**SOUTHERN LEAGUE DIXIE YOUTH BASEBALL, INC.**

Tax exempt—

SB 401, pages 308, 738, 1158

**SOUTHWIND DRUM AND BUGLE CORPS**

Tax exempt—

SB 125, pages 28, 254, 614, 722, 1196

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Promotion of production of, assessment—

SB 193, pages 70, 256, 538

## SPACE SCIENCE EXHIBIT COMMISSION, ALABAMA

Empowered to construct and acquire lodging facilities for visitors, bond issue authorized—

SB 434, pages 350, 399, 501, 1062, 1140, 1391, Act no. 83-567

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## SPECIAL EDUCATIONAL TRUST FUND, ALABAMA

Appropriation from, to match American legion scholarships, increased—

SB 236, pages 91, 254, 589

School budget, 1983-84—

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## STATE AGENCIES

Agriculture and industries, department of, certain employees designated as "compliance officers" with powers of peace officers—

SB 436, page 386

Agriculture and industries, department of, commissioner authorized to appoint three executive or confidential assistants—

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Air transportation and service, department of, established for efficient operation of state aircraft—

SB 437, pages 386, 427, 511

Barber examiners, state board of, established, prescribing procedures for licensing and practicing of barbering—

SB 47, pages 12, 100, 581

Budget management by, further provided—

SB 305, pages 149, 254, 823

Child abuse and neglect prevention board, state, created, authority, powers, duties, funding, and criteria—

SB 262, pages 118, 804

HB 57, pages 851, 873, 1595, 1615, Act no. 83-736

Civil defense department, name changed to state of Alabama emergency management agency—

SB 46, pages 12, 99, 769, 1296, 1398, 1601, Act no. 83-612

Coastal area board, powers, duties, and functions of transferred to office of state planning and federal programs—

SB 327, pages 170, 231

Conservation and natural resources, advisory board of, abolished, game, fish, conservation and natural resources board created in lieu of—

SB 5, pages 5, 354, 505, 607, 1166

Conservation and natural resources, department of, to control hunting of certain endangered species of wildlife in Black Warrior wildlife management area in Lawrence and Winston counties—

SB 301, page 149

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Contracts entered into by, must be executed in a timely manner—

SB 126, page 28

## STATE AGENCIES (Continued)

Counseling, board of examiners in, waiver of examinations further provided—

SB 146, pages 51, 353, 822, 1132

Department heads appointed by governor, creditable time toward retirement for department heads for service as county engineer—

SB 433, pages 350, 456, 1165

Department heads appointed by governor, eligibility for merit system positions, procedure for appointment—

SB 432, pages 349, 456, 1165

Distribution of revenues to counties and municipalities by, payments of less than \$5 eliminated—

SB 269, page 119

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Economic development board, Alabama, established—

SB 505, pages 616, 722, 1049

Equipment used by but not owned by railroads, under jurisdiction of public service commission—

SB 307, page 166

Health planning and development agency, advisory council for provided—

HB 722, pages 1016, 1070

Human resources board, Alabama, established—

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Inventory of nonconsumable personal property by, frequency of reports decreased—

SB 421, pages 348, 558

SB 422, pages 348, 558

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Mental health and mental retardation, department of, new name for department of mental health—

SB 297, pages 148, 287, 526, 645, 748, 828

Nursing, state board of, membership increased—

SB 96, pages 21, 325, 525, 643, 771, 773

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Pardons and paroles, state board of, notification procedure for hearings further provided—

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Personnel board, state, composition altered—

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Public service commission, president and associate commissioners of, expenses—

SB 239, pages 91, 130, 768, 769, 1299, 1399, 1608, Act no. 83-618

## STATE AGENCIES (Continued)

Publicity and information, bureau of, name changed to bureau of tourism and travel—

SB 362, pages 249, 288, 1055

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Revenue forecast control commission created, to prohibit legislature from appropriating more than certain amount based on studies of—

SB 142, page 51

USS Alabama battleship commission, vacation of office by member further provided, certain debts to state docks forgiven—

SB 492, pages 521, 740

Veterinary medical examiners, board of, executive secretary provided for, references to secretary-treasurer deleted—

HB 626, pages 964, 1066, 1209, 1265, Act no. 83-595

Youth services, department of, maintenance and destruction of records—

SB 303, pages 149, 356, 683

## STATE BAR, BOARD OF COMMISSIONERS OF

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SB 79, pages 18, 455

Prohibited from denying admission to examination of graduates of Birmingham school of law, Miles college school of law, of Jones law institute, on grounds of insufficient legal training—

SB 488, page 520

## STATE DOCKS, ALABAMA

Certain debts of USS Alabama battleship commission to, forgiven—

SB 492, pages 521, 740

Florence-Lauderdale county port authority, conveyance of property, equipment, and facilities to, CA—

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Certain, to receive longevity pay—

SB 118, page 26

Classified, suspension and dismissal of, further provided—

SB 93, pages 21, 99, 495, 796, 835, 1197, 1283, 1341, 1452, 1608, Act no. 83-673

Eligible to participate in employees' retirement system, may elect to purchase previous time covered by a local retirement system—

SB 53, page 13

Employees' retirement system, early retirement under, reduction in annuity—

SB 425, pages 348, 739

## STATE EMPLOYEES (Continued)

Insurance board for, membership further provided—

SB 110, pages 24, 173, 772, 1005, 1049, 1268

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Liability insurance for, protection against wrongful acts or omissions—

SB 109, pages 24, 487, 684, 961, 970, 1198, Act no. 83-521

Merit system, state, lay-off of employees of classified service, military preference—

SB 177, pages 68, 173

Moving expenses, reimbursement of further provided—

SB 83, pages 19, 351, 504, 506, 506

Payroll deductions further provided—

SB 102, pages 23, 99, 767

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Payroll deductions to charitable organizations, national kidney foundation, inc., authorized to be added—

SB 104, pages 23, 99, 502

Per diem allowance and mileage for in-state travel increased—

SB 69, pages 16, 738, 812, 1296, 1398, 1608, Act no. 83-614

Political activity of, further regulated—

SB 250, pages 93, 253, 531, 834, 877, 1197, Act no. 83-497

Preretirement death benefit program created for all, covered under state retirement systems—

SB 227, pages 89, 562, 689, 1298, 1398, 1608, Act no. 83-616

Reinstatement of, by state personnel board, procedure further provided—

SB 257, pages 95, 130

Retirement systems, state, reopened for certain military service—

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SB 268, pages 119, 253

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SB 264, pages 118, 357

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HB 281, pages 656, 740, 1056, 1059

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Pre-trial and post-trial appeals by, authorized, procedure in criminal  
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**STATEMENT OF ECONOMIC INTERESTS**

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Time period within which legal actions against architects, contractors,  
builders, and engineers may be brought—

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Business corporation act amended to provide for acquisition of, in any  
corporation through exchange of stock by another corporation—

SB 120, pages 26, 131, 511, 689, 794, 834, 876, 1197, Act no. 83-495

**STOCKS OR SHARES**

Investment of insurance companies in certain corporations, further  
provided—

SB 284, pages 145, 485, 614, 619, 621

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State employees', further provided—  
SB 268, pages 119, 253

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Architects, board of registration of, existence and functioning of continued under—  
HB 367, pages 314, 429, 464, 475, Act no. 83-374

Bar examiners, board of, existence and functioning of continued under—  
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Economic development committee created in portion of—  
SB 407, pages 323, 1004, 1106

Huntsville, ad valorem taxes for schools, election to levy—  
SB 552, pages 865, 1004, 1106, 1440, 1454, 1608, Act no. 83-730  
SB 561, pages 972, 1072

Huntsville, municipal elections—  
SB 497, pages 568, 742, 886

Huntsville sale and consumption of alcoholic beverages regulated and  
**permitted**—  
SB 554, pages 865, 1005, 1107, 1439, 1454, 1608, Act no. 83-734

Huntsville, terms and election of mayor and councilmen—  
SB 200, pages 72, 1004, 1104

Legislative delegation office, funding from TVA payments in lieu of ad  
valorem taxes—  
SB 272, pages 119, 232, 335, 672, 736, 858, Act no. 83-434  
HB 542, page 551

Racing commission established—  
HB 488, page 544

Taxes, franchise, excise and privilege license, county governing body  
authorized to levy outside corporate limits of Huntsville—  
SB 560, pages 972, 1071, 1328

**MARENGO COUNTY**

Property tax, additional, for public education purposes, CA—  
HB 906, pages 1126, 1262, 1411, 1467, Act no. 83-581

Taxes, consolidated and unified system of assessment and collection  
of—  
HB 904, pages 1125, 1262, 1410, 1466, Act no. 83-713

**MARION COUNTY**

County governing body, expense allowances—  
HB 95, pages 154, 563, 609, 625, Act no. 83-406

**MARSHALL COUNTY**

Assessment on forest lands for protection against forest fires—  
HB 861, pages 1115, 1261, 1408, 1465, Act no. 83-709

Assessment on forest lands for protection against forest fires, CA—  
HB 862, pages 1115, 1261, 1409, 1467, Act no. 83-580

County commissioners shall serve full time—  
HB 816, pages 842, 1000, 1342, 1439, Act no. 83-640

Criminal and civil cases, changing the place of trial after selection of  
jury—  
HB 521, pages 557, 606, 885, 908, Act no. 83-477

Distribution of TVA funds paid in-lieu-of-taxes—  
HB 860, pages 1115, 1261, 1408, 1465, Act no. 83-708

## MOBILE COUNTY

- Ad valorem tax, portion of allocated for health purposes—  
HB 183, pages 272, 1018, 1067, 1326, 1436, Act no. 83-625
- Alcoholic beverage tax, distribution to Mobile united, inc.—  
HB 790, pages 713, 992, 1081, 1130, Act no. 83-536
- Bingo games—  
SB 377, pages 283, 870, 1007, 1576, 1585, 1608, Act no. 83-731
- Bingo games, CA—  
SB 378, pages 283, 870, 1008, 1440, 1454, 1608, Act no. 83-582
- Boundary between, and Baldwin county, further defined—  
HB 638, pages 850, 992, 1081, 1130, Act no. 83-533
- Circuit judge assigned to department of investigation and recovery, administrative assistant for—  
HB 636, pages 556, 745, 890, 908, Act no. 83-479
- Citronelle, alcoholic beverage tax revenues to be disbursed to Citronelle historical society—  
HB 184, pages 134, 1018, 1067, 1326, 1436, Act no. 83-626
- County commission authorized to grade all dirt roads served by rural mail carriers—  
HB 635, pages 555, 745, 890, 908, Act no. 83-478
- Fire departments, volunteer, to paint arrows to signify location of fire hydrants—  
HB 185, pages 272, 1018, 1257, 1394, 1397
- Health insurance plan for retired employees, CA—  
HB 637, pages 556, 745, 891, 909, Act no. 83-453
- Indigent care board established, for care of medically indigent persons, funding—  
HB 44, pages 543, 805, 894, 932, 933, Act no. 83-501
- License taxes, certain, distribution to medically indigent citizens further provided—  
HB 45, pages 635, 745, 890, 907, Act no. 83-475
- Mobile, city of, mayor-council or council-manager form of government—  
SB 478, pages 483, 533
- Mobile, city of, referendum on form of government—  
SB 536, pages 737, 991, 1300
- Mobile, city of, referendum on form of government—  
SB 553, pages 865, 992
- Oakleigh antebellum house museum, payment of utilities from alcoholic beverage revenue—  
HB 676, pages 548, 745, 891, 908, Act no. 83-481
- Policemen and firemen, pension and relief system for—  
SB 277, pages 120, 993, 1088
- Prichard, enterprise zones established—  
SB 506, pages 616, 744, 889, 1433, 1452, 1608, Act no. 83-676

**MOBILE COUNTY (Continued)**

Prichard, pension and retirement fund—

HB 859, pages 1119, 1257, 1394, 1465, Act no. 83-707

Teacher units, 20% now allocated for exceptional children to be allocated for gifted children—

SB 480, pages 484, 744, 889, 1433, 1452, 1608, Act no. 83-675

Youth athletic board, city of Mobile, established—

HB 475, pages 552, 806, 898, 932, 934, Act no. 83-502

Youth athletic board, county, established—

HB 187, pages 134, 1003, 1100, 1144, Act no. 83-562

**MONROE COUNTY**

Board of education, members of, expense allowance—

SB 441, pages 387, 428, 491, 672, 736, 858, Act no. 83-436

**MONTGOMERY COUNTY**

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HB 870, page 1206

Montgomery, city of, governing body to promulgate minimum standards for veterinary clinics—

HB 746, pages 637, 1420

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HB 747, pages 792, 1259, 1401, 1601, 1613, Act no. 83-748

Retirement system, annual valuations of assets and liabilities—

HB 891, pages 1118, 1422

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Decatur, utilities board prohibited from increase over 5% without city council approval—

HB 917, page 1205

Flint, branch banking—

HB 817, pages 842, 1260, 1403, 1464, Act no. 83-698

Highway gasoline taxes, distribution within county—

HB 98, pages 154, 428, 460, 474, Act no. 83-362

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Sheriff's department, salaries—

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Superintendent of education, compensation—

SB 456, pages 391, 428, 459, 547, 573, 603, Act no. 83-384

**PICKENS COUNTY**

Alcoholic beverages, possession of prohibited—

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Assessment against timber lands for protection against forest fires—

HB 857, pages 1115, 1261, 1408, 1465, Act no. 83-706



## PICKENS COUNTY (Continued)

Branch banking authorized—

HB 519, pages 551, 1003, 1102, 1143, Act no. 83-550

Court Costs, increase, disposition—

HB 119, pages 133, 1002, 1098, 1142, Act no. 83-542

Deeds, recording of in probate office—

HB 120, pages 133, 1002, 1098, 1142, Act no. 83-543

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HB 520, pages 551, 1003, 1102, 1143, Act no. 83-551

Road system, centralized, provided, employment of county engineer authorized—

HB 884, pages 1119, 1421

Wine, alcoholic liquor or beverages, manufacture and sale of, time of elections on—

SB 549, pages 864, 992, 1083, 1433, 1453, 1608, Act no. 83-680

## PIKE COUNTY

County commission authorized to employ deputy tax assessor, deputy tax collector, deputy circuit clerk, and others—

HB 13, pages 154, 1001, 1094, 1141, Act no. 83-537

County commission, meeting dates—

HB 688, pages 554, 999, 1090, 1143, Act no. 83-553

Probate judge, compensation on salary basis—

HB 755, pages 638, 1000, 1092, 1144, Act no. 83-557

## RANDOLPH COUNTY

Coroner, compensation—

HB 694, pages 547, 1074, 1335, 1439, Act no. 83-638

Sales tax for public building purposes, CA—

HB 726, pages 654, 720, 1008, 1023, 1054, Act no. 83-454

Soil percolation tests—

HB 680, pages 546, 1074, 1335, 1438, Act no. 83-636

## ST. CLAIR COUNTY

County health officers or administrators, issuance of death certificates—

HB 226, pages 155, 527, 572, 591, Act no. 83-385

## SHELBY COUNTY

Alcoholic beverages, licensing of retailers further provided—

SB 557, pages 867, 992, 1082, 1727, 1733, 1736, Act no. 83-779

HB 916, pages 1119, 1262, 1411, 1466, Act no. 83-714

Building codes, county commission authorized to adopt—

SB 400, pages 308, 427, 458

Columbiana, boundaries altered—

HB 874, pages 1124, 1262, 1409, 1465, Act no. 83-710—

## SHELBY COUNTY (Continued)

Concerts, outdoor musical, county commission authorized to promulgate and implement rules to regulate—

SB 563, pages 973, 1072, 1329

HB 443, pages 550, 1258, 1395, 1462, Act no. 83-686

Coroner, expense allowance—

HB 328, pages 545, 1257, 1395, 1462, Act no. 83-685

Eighteenth judicial circuit judge entitled to receive credit for service as district attorney and/or county court judge—

SB 100, pages 22, 1065

License-issuing division created within probate judge's office—

SB 562, pages 973, 1072, 1328, 1727, 1733, 1736, Act no. 83-777

Utility companies prohibited from providing services to any dwelling until sanitation is approved—

HB 679, pages 968, 1420

Wilsonville, boundaries altered—

HB 815, pages 1116, 1259, 1402, 1602, 1613, Act no. 83-749

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Beer tax to be administered by judge of probate—

HB 723, pages 547, 1074, 1335

Hazardous and non hazardous waste stored at Emmelle, fee levied—

HB 669, pages 638, 743, 887, 908, Act no. 83-480

Probate judge, employees, salaries—

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Seventeenth judicial circuit, expense allowance for circuit clerk—

HB 327, pages 156, 1426

Tax assessor, clerk hire and compensation—

HB 455, pages 557, 1426

Tax collector, clerk hire and salaries—

HB 372, pages 272, 1426

## TALLADEGA COUNTY

Forest fires, county commission -authorized to provide protection against—

SB 287, page 146

Tax assessor and tax collector, offices of abolished, unified system created—

SB 309, pages 166, 427, 458, 676, 736, 858, Act no. 83-435

## TALLAPOOSA COUNTY

Alexander city, cable television system—

HB 725, pages 848, 871, 1080, 1183, 1201, Act no. 83-733

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HB 385, pages 273, 428, 461, 474, Act no. 83-365

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HB 382, pages 273, 428, 460, 474, Act no. 83-364

## TALLAPOOSA COUNTY (Continued)

County commissioners to serve full time—

HB 384, page 273

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HB 386, pages 273, 428, 461, 474, Act no. 83-366

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## TUSCALOOSA COUNTY

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Circuit judge, filing for record and preservation of all orders and decrees made by any—

HB 770, pages 848, 1075, 1335, 1439, Act no. 83-639

Pistol permits, fees and renewals—

HB 820, pages 842, 1001, 1093, 1144, Act no. 83-560

Sheriff authorized to offer at public auction abandoned cash and stolen personal property—

HB 821, pages 843, 1001, 1094, 1144, Act no. 83-561

Superintendent of education, election, term of office, compensation—

SB 551, page 864

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## WALKER COUNTY

Coroner, expense allowance—

HB 801, pages 794, 1421

District attorney, felony investigator for, authorized—

HB 892, pages 1121, 1422

District attorney's investigators, powers and authority established—

HB 865, pages 1120, 1421

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SB 355, pages 229, 607, 672, 761, 762, 858, Act no. 83-428

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HB 864, pages 1120, 1421

## WASHINGTON COUNTY

Board of education, expense allowance—

HB 39, pages 271, 1002, 1097, 1142, Act no. 83-541

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HB 30, pages 271, 1001, 1095, 1141, Act no. 83-539

County commission, election by districts—

HB 29, pages 271, 1001, 1095, 1141, Act no. 83-538

County officials, expense allowance—

HB 38, pages 274, 1002, 1096, 1184, 1200, Act no. 83-585

## WASHINGTON COUNTY (Continued)

Poll workers, compensation—

HB 31, pages 271, 1001, 1095, 1141, Act no. 83-540

## WINSTON COUNTY

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SB 566, pages 974, 1073, 1330

Gasoline tax, levy and collection of distribution—

SB 565, pages 973, 1072, 1329

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## RESOLUTIONS

## CONDOLENCES

- Albritton, mr. William H., jr., of Andalusia, death mourned—  
SR 37, page 80
- Ayers, Gregory Edward, of Tuscumbia, death mourned—  
SR 339, page 1625
- Barron, judge Bishop N., former senator, death mourned—  
SJR 6, pages 38, 78, 96, 345, Act no. 83-218
- Barron, mrs. Gladys Porterfield, death mourned—  
SJR 13, pages 42, 79, 97, 345, Act no. 83-222
- Bell, dr. George C., death mourned—  
HJR 263, pages 597, 861, 900, Act no. 83-460
- Box, mrs. Claudette Cleek, death mourned—  
HJR 404, pages 1060, 1112, Act no. 83-523
- Bozeman, mr. Pace W., of Thomasville, death mourned—  
SJR 78, pages 180, 290, 392, 404, 539, Act no. 83-341
- Burdette, mr. Floyd Simmie, jr., of Opelika, death mourned—  
SR 325, page 1580
- Chapman, mr. Cecil S., death mourned—  
SR 17, page 44
- Clark, mrs. Dessie R., of Prichard, death mourned—  
HJR 36, pages 64, 126, 157, Act no. 83-241
- Copeland, mr. Albert Whiting, of Montgomery, death mourned—  
HJR 16, pages 62, 125, 157, Act no. 83-234
- Duncan, mrs. Rosie S., of Mobile, death mourned—  
HJR 159, pages 300, 317, 333, Act no. 83-322
- Feibelman, mr. Herbert P., jr., death mourned—  
SJR 252, pages 868, 1289, 1611, 1619, 1736, Act no. 83-763
- Fleming, mrs. Karol Ruth, of Geneva, death mourned—  
SR 168, page 506
- Gavin, mr. James R., of Mobile, death mourned—  
HJR 329, pages 716, 1270, 1427, Act no. 83-649
- Glenn, mr. Onis, of Wetumpka, death mourned—  
HJR 146, pages 278, 292, 299, Act no. 83-314
- Hall, mr. Julian W., of Mobile, death mourned—  
HJR 266, pages 597, 861, 900, Act no. 83-462
- Hammett, mrs. Trudie Mae, Rose Hill, death mourned—  
SR 88, page 267
- Hanson, Clarence B., jr., chairman of the board of the Birmingham news company, death mourned—  
HJR 213, pages 383, 398, 406, Act no. 83-356
- Hanson, mrs. Ruth Lawson, prominent Birmingham philanthropist, death mourned—  
HJR 142, pages 278, 292, 299, Act no. 83-312

## CONDOLENCES (Continued)

Hays, dr. Kirby, of Auburn university, death mourned—  
SR 311, page 1340

Hocklander, judge Joseph Monroe, death mourned—  
SJR 3, pages 35, 78, 96, 345, Act no. 83-216

Ingram, William Travis, former business manager and treasurer of Auburn university, death mourned—  
SR 144, page 415

Lackey, mr. R. Julian, of Birmingham, death mourned—  
SJR 61, pages 152, 159, 182, 259, 346, Act no. 83-278  
HJR 113, pages 219, 293, 298, Act no. 83-301

Lang, mr. Byron, death mourned—  
SR 147, page 430

Lanham, dr. Ben T., of Mobile, death mourned—  
SJR 30, pages 48, 79, 97, 345, Act no. 83-227

Lee, hon. Byron, son of McDowell Lee, death mourned—  
SJR 11, pages 41, 78, 96, 345, Act no. 83-220

Love, mr. Wayne, memory honored—  
SJR 103, pages 320, 334, 392, 404, 539, Act no. 83-345  
HJR 134, pages 276, 292, 298, Act no. 83-307

McLendon, hon. Clyde P., mourning death of, expressing appreciation for impact on services to children, elderly, and disabled—  
SJR 124, pages 391, 522, 594, 604, 696, Act no. 83-409

Megginson, mr. George Wilmer, of Thomasville, death mourned—  
SR 19, page 44

Meunier, mrs. Mary Etta, of Tallapoosa county, death mourned—  
SJR 48, pages 122, 159, 181, 259, 346, Act no. 83-275

Noble, dr. William, of Fort Payne, death mourned—  
SR 221, page 679

O'Rear, mr. William Gunter, of Montgomery, death mourned—  
HJR 406, pages 1060, 1113, Act no. 83-525

Pruett, mr. Earnest V., of Pisgah, death mourned—  
SR 317, page 1432

Rivers, mr. David, death mourned—  
HJR 473, page 1459

Sharpe, mr. I. Grider, regretting illness of—  
SR 152, page 448

Shears, mr. Troy L., death mourned—  
SR 260, page 929

Simmons, Joe R., of Jasper, death mourned—  
HJR 445, pages 1208, 1265, Act no. 83-599

Spradley, dr. Lewis Harold, death mourned—  
HJR 196, pages 379, 407, 411, Act no. 83-338

Stuart, hon. Dewitt Talmage, death mourned—  
SJR 12, pages 41, 78, 96, 345, Act no. 83-221

## CONDOLENCES (Continued)

- Studstill, mr. Henry Hamner, of Opp, death mourned—  
SR 75, page 177
- Turnham, mr. Henry, of Chambers county, death mourned—  
HJR 70, pages 143, 160, 178, Act no. 83-252
- Wakefield, mr. George Daniel, of Russellville, death mourned—  
SR 31, page 49
- Watkins, mr. Daniel Eastis, death mourned—  
SR 85, page 245
- Winchester, sergeant Rex W., of Irondale police department, death mourned—  
HJR 461, page 1458
- Young, dr. Jerry D., of Birmingham, death mourned—  
SJR 157, pages 469, 522, 595, 605, 696, Act no. 83-415

## CONGRATULATORY

- Abbott, coach Rudy, Jacksonville state university baseball team, commended—  
HJR 104, pages 218, 291, 297, Act no. 83-296
- Abston, mr. Roy L., jr., of Florence, on outstanding contributions to education—  
SR 161, page 471
- Adams, dr. Curtis H., of Huntsville, commended for services to UAH—  
SR 287, page 1184
- Adult educators, Alabama's, commended—  
HJR 300, pages 639, 862, 901, Act no. 83-472
- Agriculture and industries, board of, and present and past commissioners, commended on achievements for past 100 years—  
SR 254, page 869  
HJR 378, pages 981, 1269, 1428, Act no. 83-659
- "Alabama" commended for being exemplary citizens and goodwill ambassadors for the state—  
HJR 115, pages 219, 293, 298, Act no. 83-302
- Alabama state employment service commended on its 50th anniversary—  
HJR 22, pages 62, 125, 157, Act no. 83-235
- Aliceville recognized as site of Alabama marbles championship tournament—  
HJR 119, pages 214, 293, 298, Act no. 83-304
- Allen, miss Emma, commended for service to legislative black caucus—  
HJR 302, pages 639, 861, 902, Act no. 83-474
- American legion auxiliary, commended for sponsorship of Alabama girls state program—  
SJR 122, pages 370, 375, 392, 404, 540, Act no. 83-347
- America's junior miss program commended—  
SR 182, page 602

## CONGRATULATORY (Continued)

Amos, dr. Catherine Steinmitz, optometrist of the year, commended—  
HJR 431, pages 1123, 1289, 1429, Act no. 83-666

Anderson, mr. Charles W., on outstanding community service—  
SR 66, page 159

Ashford, mrs. Dora Davidson, of Athens, for outstanding contributions  
to education—  
SR 196, page 621

Ashmore, miss Stephanie Kay, of Muscle Shoals, America's junior miss  
for 1983, commended—  
HJR 319, pages 674, 731, Act no. 83-448

Askew, mr. Harold, of Huntsville, for outstanding community service—  
SR 64, page 159

Athens state college bears commended on outstanding basketball  
program—  
SR 22, page 44

Auburn student body, commended for their presentation of legislative  
appreciation day—  
SR 81, page 220

Austin, mr. Joseph R., of Florence, commended for service as tax  
assessor—  
SR 301, page 1273

Ayers, Josephine E. of Alabama Shakespeare Festival, commended—  
SJR 232, pages 734, 796, 836, 1197, Act no. 83-489

Baker, miss Paula Janine, commended for outstanding achievement—  
SR 91, page 280

Ballard, mr. Robert A., of Athens, commended for outstanding commu-  
nity service—  
SR 295, page 1273

Bank of Blountsville commended on sixty years of service to Blount  
county—  
SR 319, page 1436

Baptist medical center auxiliary commended for contributions in minis-  
try of caring—  
SR 322, page 1462

Barfield, major general Thomas H., commended on retirement as presi-  
dent of Marion military institute—  
SJR 45, pages 115, 124, 181, 259, 345, Act no. 83-274  
HJR 71, pages 143, 160, 178, Act no. 83-253

Barker, councilman Oscar, of Athens, commended—  
SR 332, page 1620

Barnes, mrs. Berry, of Guntersville, commended—  
HJR 314, pages 673, 731, Act no. 83-446

Bassett, mr. Lee Gardner, of Pike county, commended—  
HJR 28, pages 63, 126, 157, Act. no. 83-238



## CONGRATULATORY (Continued)

- Batson, William E., mayor of Florence, commended—  
SR 138, page 396
- Battles, miss Pam, of Muscle Shoals, miss Alabama, commended—  
HJR 298, pages 640, 862, 901, Act no. 83-470
- Bealle, mr. J. Rufus, commended for outstanding service to the university of Alabama—  
SJR 174, pages 565, 595, 605, 696, Act no. 83-416
- Beasley, mr. C. V., jr., of Florence, commended for service as tax collector—  
SR 293, page 1273
- Bendall, miss Valerie Rhea, Alabama's maid of cotton, commended—  
SJR 27, pages 46, 79, 97, 345, Act no. 83-224  
HJR 43, pages 84, 125, 157, Act no. 83-250
- Berry, mrs. Bertha, state president of the Alabama Jayceettes, commended—  
HJR 299, pages 639, 861, 901, Act no. 83-471
- Birdsong, dr. W. E., of Jasper, honored—  
HJR 466, page 1459
- Birmingham cruising club commended on its 25th anniversary—  
HJR 44, pages 87, 124, 157, Act no. 83-244
- Birmingham news commended for initiation of "project help!"—  
HJR 343, pages 723, 1269, 1428, Act no. 83-655
- Black, mr. and mrs. Harry Pelham, of Dadeville, on 55th wedding anniversary—  
HJR 54, pages 85, 125, 158, Act no. 83-247
- Blackmon, Wilbur L., commended on retirement from staff of southern union state junior college—  
SR 143, page 397
- Blake, dr. George, commended on retirement as Auburn professor—  
SR 305, page 1274
- Blakely, sheriff Mike, of Athens, commended—  
SR 330, page 1620
- Blankenship, dr. Eddie, of Pratt City, commended—  
SR 266, page 1022
- Blizzard, judge Henry W., of Athens, commended for community service—  
SR 188, page 620
- Blount, mrs. Karen, of Phenix City, for outstanding artistic achievement—  
SR 80, page 220
- Blue, mr. Jimmy, of Pratt City, commended—  
SR 264, page 1022
- Blue, mrs. Jimmy, of Pratt City, commended—  
SR 265, page 1022

## CONGRATULATORY (Continued)

- Bohannon, Clyde L., jr., city commissioner of Florence—  
SR 130, page 395
- Bolden, mr. Raymond L., Atmore citizen of the year, commended—  
SJR 84, page 235
- Bonner, dr. Leon W., dean of graduate school, Alabama A & M,  
commended—  
HJR 132, pages 277, 292, 298, Act no. 83-306
- Bowen, mrs. Linda, of Montgomery, commended as exemplary and pro-  
ductive blind citizen—  
HJR 383, pages 986, 1338, 1614, Act no. 83-756
- Brewbaker junior high school symphonic band on its first year of  
existence—  
SJR 69, pages 160, 222, 245, 261, 346, Act no. 83-286
- Brewton Standard, on Alabama press association honors, commended—  
SR 314, page 1393
- Brotherton, judge James C., of Jasper, honored—  
HJR 446, pages 1209, 1266, Act no. 83-600
- Brown, Jesse, of Arab, commended on chairmanship of Alabama hospi-  
tal association—  
HJR 335, pages 724, 1269, 1427, Act no. 83-652
- Brown, Mitchell Patrick, of Lexington, for outstanding contributions to  
education—  
SR 132, page 396
- Bryan, dr. Robert Lawson, pastor of Dexter avenue united Methodist  
church, Montgomery, commended—  
HJR 395, pages 981, 1338, 1614, Act no. 83-757
- Buffington, mr. Ormand, of Center Point, commended for outstanding  
service—  
HJR 87, pages 140, 214, 237, Act no. 83-260
- Buford, mr. Alfonsa, commended for service to Pratt City community—  
SR 212, page 641
- Burdick-West memorial hospital commended on its accreditation—  
SJR 185, pages 611, 1269, 1611, 1619, 1736, Act no. 83-762
- Cain, Johnnie B., prominent Alabama educator, commended—  
HJR 211, pages 383, 399, 406, Act no. 83-354
- Cannon, mrs. Margaret, of Fayette, foster mother of the year,  
commended—  
SR 338, page 1625
- Carver high school wolverines commended—  
HJR 261, pages 595, 861, 900, Act no. 83-458
- Castleberry, David, of Brewton, on promotion to plant manager of T. R.  
Miller mill company—  
SR 313, page 1343
- Catholic high school soccer team commended—  
SR 112, page 351

## CONGRATULATORY (Continued)

Chenault, Jean Elkins, for outstanding work for state—  
HJR 456, pages 1298, 1446, 1468, Act no. 83-719

Children's hospital of Alabama commended—  
HJR 207, pages 378, 523, 542, Act no. 83-391

Chisum, mr. Raymond Vaughn, commended on contributions to state  
of Alabama—  
SJR 87, pages 263, 291, 392, 404, 539, Act no. 83-343  
SR 121, page 366

Chittam, Richard Scott, commended for outstanding community  
service—  
SR 230, page 716

Christopher, mrs. Ann, on Limestone county citizen of the year—  
SR 86, page 258

CIBA-Geigy corporations McIntosh plant commended—  
HJR 380, pages 982, 1203, 1265, Act no. 83-596

Clark, mr. Johnny Louis, commended for outstanding leadership—  
HJR 397, pages 981, 1338, 1614, Act no. 83-758

Clay, mrs. Peggy, of Florence, commended for teaching career—  
SR 299, page 1273

Clem, coach Glen, congratulated on outstanding basketball season—  
HJR 212, pages 383, 398, 406, Act no. 83-355

Cobb, mr. James R., of Florence, commended on outstanding service to  
the NAACP—  
SR 302, page 1274

Coggin, miss Cathy, of Florence, commended—  
SR 43, pages 113, 214

Community hospital of Birmingham commended upon accreditation—  
SJR 222, pages 680, 796, 836, 1197, Act no. 83-487

Community hospital of Tallassee commended—  
HJR 341, pages 723, 1270, 1428, Act no. 83-654

Cooper, mr. Robert, sr., commended for service to Pratt City  
community—  
SR 213, page 641

Corrections, department of, commended for development of supervised  
intensive restitution program—  
SJR 26, pages 45, 246, 260, 346, Act no. 83-282

Covington, senator J. Foy, commended on birthday—  
SR 279, page 1107

Crocker, Eddie and Terry, state wrestling titleists from Erwin high  
school, commended—  
HJR 160, pages 300, 317, 333, Act no. 83-323

Crosby, mr. Joseph Raymond, of Stockton, commended—  
HJR 35, pages 64, 126, 157, Act no. 83-240

## CONGRATULATORY (Continued)

- Crow, representative Bobby C., of Anniston, commended—  
HJR 454, pages 1297, 1429, Act no. 83-668
- Crozier, mrs. Barbara, miss wheelchair America 1983, commended—  
SJR 32, pages 49, 79, 97, 345, Act no. 83-228
- Dadeville high school "sound of gold" majorettes commended—  
HJR 103, pages 218, 291, 297, Act no. 83-295
- Dobbins, mr. Henry L., of Fairfield, commended on retirement—  
SR 115, pages 359, 407, 429, 462, 540, Act no. 83-361  
SR 116, page 364
- Doggett, coach John, of Thomasville high school basketball fame, commended—  
SR 60, page 150
- Doss, hon. Sam C., jr., commended on retirement—  
SR 35, page 50
- Duncan, judge William B., of Lauderdale county, commended—  
SR 119, page 365
- Dunn, T. R., commended and saluted—  
HJR 289, pages 598, 860, 901, Act no. 83-466
- Earnest, James, for service to Community hospital board of trustees—  
HJR 165, pages 303, 317, 333, Act no. 83-325
- East, mr. Thurston, commended for contributions to education—  
SR 191, page 620
- Echols, mr. Johnny B., commended for service to Pratt City community—  
SR 215, page 641
- Education, department of, division of administration and financial services, commended—  
HJR 342, pages 723, 1446, 1467, Act no. 83-715
- Education, state board of, commended—  
HJR 342, pages 723, 1446, 1467, Act no. 83-715
- Elliott, reverend Alphonso Upford, commended on selection as first "black citizen of the year"—  
SR 96, page 307
- Enterprise rescue squad commended—  
HJR 364, pages 791, 826, Act no. 83-439
- Erling Riis research laboratory, employees of, commended on safety record—  
SJR 36, pages 80, 177, 259, 345, Act no. 83-270
- Eye Foundation hospital commended upon accreditation—  
SJR 219, pages 678, 796, 836, 1197, Act no. 83-485
- Farrish, mrs. Anne, immediate past president of Monroeville area chamber of commerce, commended—  
SR 59, page 150

## CONGRATULATORY (Continued)

Feaster, mr. William, on 80th birthday—  
SR 58, page 149

Fernandez, miss Yolanda, miss Alabama 1982, commended—  
SJR 57, page 149  
HJR 94, pages 153, 213, 237, Act no. 83-262

Fowler, mr. Joe Frank, commended, for outstanding service to education—  
SR 190, page 620

Franklin, miss Rhonda Kay, of Mobile, commended—  
HJR 136, pages 278, 292 298, Act no. 83-309

Fricks, mrs. Mona, director of Albertville library, commended—  
HJR 384, pages 986, 1338, 1614, Act no. 83-754

Fry, mr. James H., of Athens, for outstanding community service—  
SR 195, page 621

Fulford, William J. "Happy", commended for service to the Mobile Jaycees—  
HJR 110, pages 219, 293, 297, Act no. 83-300

Gallo, mrs. Martha Ibys, recent inductee into the Jacksonville state university teacher hall of fame, commended—  
HJR 162, pages 303, 317, 333, Act no. 83-324

Garrett, James DeWitt, of Athens, commended on outstanding community service—  
SR 310, page 1340

Gary, mrs. Gloria, for outstanding service to students of Scott elementary school—  
SJR 180, pages 571, 862, 932, 971, 1198, Act no. 83-519  
SR 200, page 634

Gilbert, Max, of Clements high school, Athens, on academic achievement—  
SR 118, page 365

Gill, mrs. Lonia M., commended on retirement as executive secretary of Ame Zion missionary society—  
SR 268, pages 1028, 1207, 1271, 1392, Act no. 83-610

Gipson, mr. Earl, gratitude expressed for work at Cameron united Methodist church—  
HJR 321, pages 674, 731, Act no. 83-449

Glaze, mr. Joel, Limestone county board of education, commended—  
SR 244, page 829

Glenn, U.S. senator John Herschel, in recognition of John Glenn day in Alabama—  
SR 280, page 1109

Goodson, dr. William H., jr., on outstanding community service—  
SR 67, page 159

Goodwyn, mr. and mrs. Leon, congratulated on the birth of a son—  
HJR 75, pages 143, 160, 178, Act no. 83-254

## CONGRATULATORY (Continued)

Gordon, mr. Amos, commended for service to Pratt City community—  
SR 214, page 641

Gordon, mrs. Lena, commended for service to Pratt City community—  
SR 210, page 641

Grande, mr. and mrs. Charles Jackson, commended as co-presidents of  
the John Will PTA—  
HJR 252, pages 517, 522, 542, Act no. 83-400

Green, Jimmy, jr., Bayou la Batre golf champion, commended—  
SR 269, page 1029

Green, mr. Joseph Walton, jr., of Selma, on 100th birthday—  
HJR 415, pages 1059, 1113, Act no. 83-527

Greenhaw, mr. W. D. "Dub", for outstanding civic contributions—  
SR 65, page 159

Griffith, dr. Rolf Parker, of Huntsville, for service to his profession and  
community—  
SR 99, page 315

Gulf oil company commended for volunteer work at southeast Alabama  
rehabilitation center—  
HJR 462, page 1458

Gundy, dr. Howard B., chancellor of postsecondary education, support  
expressed—  
SJR 40, pages 103, 124, 181, 259, 345, Act no. 83-272

Hale memorial hospital, commended on its accreditation—  
SJR 239, pages 824, 833, 876, 1197, Act no. 83-492

Hall, Nan G., commended for service to UAH—  
SR 273, page 1053

Ham, mr. Tommy, Limestone county board of education,  
commended—  
SR 243, page 829

Hammett, Susan, America's junior miss—  
SR 183, page 602

Hammond, mr. Henry L., of Anderson, on outstanding community  
service—  
SR 102, page 315

Hampton, mr. Ben, artist-naturalist, of McDonald, Tennessee,  
commended—  
SR 164, page 501  
HJR 137, pages 277, 292, 298, Act no. 83-310

Hansen, ms. Mary J., honored for distinguished teaching achievement  
award—  
HJR 437, pages 1208, 1265, Act no. 83-598

Hartselle medical center, inc., commended—  
SR 71, page 162

Hassan Abdulla Hussain, commending, and wishing safe return to  
Kumait—  
SR 92 page 285

## CONGRATULATORY (Continued)

Hassell, miss Terri Lynn, miss Auburn university 1983, commended—  
SR 53, page 126

Hawk, mr. Bert, commended on retirement from T.R. Miller mill  
company—  
SR 290, page 1273

Haws, dr. Frank P., of Huntsville, for outstanding service to the medi-  
cal profession—  
SR 98, page 315

Hayes, mr. Larry Joel, of Florence, commended for service as county  
commissioner—  
SR 303, page 1274

Hearn, dr. Thomas K., jr., congratulated on appointment as president  
of Wake Forest university—  
HJR 348, pages 728, 1269, 1428, Act no. 83-657

Henryville United Methodist Church congratulated on 100th  
anniversary—  
SJR 276, pages 1056, 1288, 1611, 1619, 1736, Act no. 83-766

Hewitt-Trussville junior high school girls volleyball team commended—  
HJR 156, pages 300, 317, 333, Act no. 83-320

Higginbotham, mr. and mrs. G. J., congratulated on the birth of twin  
sons—  
SR 93, page 289

Higgins, mr. Bennett, Edward, commended for outstanding community  
service—  
SR 261, page 935

Hill, mr. Bryson, F., jr., of Huntsville, commended on outstanding com-  
munity service—  
SR 23, page 44

Hindman, dr. Jeffrey C., of Huntsville, for outstanding community  
service—  
SR 228, page 713

Hirs, mr. James M., for outstanding community service—  
HJR 125, pages 230, 293, 298, Act no. 83-305

Hobson, mr. George, commended on service to Pratt City community—  
SR 203, page 640

Hodges, mr. Audie, jr., commended on retirement as Florence fire  
chief—  
SR 199, page 630

Holland, mr. Red, for contributions to promotion of wildlife—  
SJR 177, pages 567, 595, 605, 696, Act no. 83-418

Hollywood fire department commended for outstanding achievement—  
SR 257, page 899

Holtville high school bulldogs, state 2A baseball champions,  
commended—  
HJR 267, pages 597, 860, 901, Act no. 83-463

## CONGRATULATORY (Continued)

Homewood high school marching band and star spangled girls commended on selection to represent Alabama in 1984 rose parade—  
HJR 169, pages 301, 317, 333, Act no. 83-327

Hornaby, hon. Ralph W., Huntsville attorney, commended—  
SR 284, page 1146

Huckaby, mr. R. D., commended for volunteer work at southeast Alabama rehabilitation center—  
HJR 462, page 1458

Hudgins, mr. Elmore "Scoop", commended on retirement as SEC assistant commissioner for public relations—  
HJR 38, pages 64, 126, 157, Act no. 83-242  
HJR 198, pages 379, 399, 405, Act no. 83-350

Hudson, rev. W. Laurens, of Montgomery, commended—  
HJR 430, pages 1123, 1289, 1430, Act no. 83-672

Hughes, Louis "Gene", of Athens, commended on academic career at Calhoun community college—  
SR 106, page 328

Hughes, mrs. Johnnie B., commended for service to Pratt City community—  
SR 205, page 640

Humphries, Davis Smith "Son", of Jasper, death mourned—  
HJR 447, pages 1209, 1266, Act no. 83-601

Hurtsboro, city of, commended on rebirth and restoration after tornado—  
SJR 16, pages 43, 79, 97, 345, Act no. 83-223

Ingle, mr. D. C., commended for volunteer work at southeast Alabama rehabilitation center—  
HJR 462, page 1458

Institute for deaf and blind, Alabama, commended on girls basketball and track teams—  
SJR 73, pages 163, 245, 261, 346, Act no. 83-288

Interim commission on elementary and secondary science and mathematics commended—  
HJR 465, page 1459

Isabella high school mustangs commended on baseball season—  
HJR 208, pages 383, 399, 406, Act no. 83-353

Jacksonville state university baseball team commended—  
HJR 104, pages 218, 291, 297, Act no. 83-296

Jacksonville state university basketball team commended—  
HJR 85, pages 140, 160, 178, Act no. 83-256

Jacksonville state university commended for receiving gulf south conference all-sports trophy—  
HJR 148, pages 278, 292, 299, Act no. 83-316

Jewish community in Alabama commended for contributions to state—  
SJR 318, pages 1434, 1611, 1619, 1736, Act no. 83-769



## CONGRATULATORY (Continued)

- Jimmar, mr. Emmitt E., of Leighton, commended on educational achievements—  
SR 160, page 471
- Johnson, mr. Augusta, commended for service to Pratt City community—  
SR 211, page 641
- Johnson, James Cooper, of Rogersville, for outstanding contributions to education—  
SR 129, page 395
- Johnson, judge Leslie G., 11th circuit, commended—  
SR 166, page 505
- Johnson, mr. Willie, commended on service to Pratt City community—  
SR 207, page 641
- Johnston, mr. Thomas Sidney, of Limestone county, commended for outstanding community service—  
SR 189, page 620
- Joint commission on accreditation of hospitals commended—  
HJR 310, pages 673, 731, Act no. 83-443  
HJR 313, pages 674, 731, Act no. 83-445  
HJR 326, pages 675, 731, Act no. 83-451  
HJR 327, pages 673, 732, Act no. 83-452  
HJR 332, pages 725, 1270, 1427, Act no. 83-650  
HJR 334, pages 723, 1270, 1427, Act no. 83-651  
HJR 337, pages 724, 1270, 1428, Act no. 83-653  
HJR 346, pages 727, 1269, 1428, Act no. 83-656
- Jones, mrs. Helen, commended on service to Pratt City community—  
SR 202, page 640
- Jones, mrs. Laddi, commended for outstanding leadership—  
HJR 407, pages 1061, 1113, Act no. 83-529
- Jones, mr. Perry M., chief of the east Alabama fire district, commended—  
SR 82, page 220
- Jones, mr. Robert D., commended for outstanding service to education—  
SR 193, page 620
- Jordan, hon. William D., city commissioner of Florence, commended—  
SR 128, page 395
- Keith high school girls basketball team commended—  
HJR 76, pages 143, 160, 178, Act no. 83-255
- Kelley, miss Ozema, of Eldridge, commended—  
HJR 18, pages 62, 111, 112, Act no. 83-214
- Kennedy, dr. Yvonne, commended as first lady of Mobile for 1982—  
HJR 10, pages 61, 125, 156, Act no. 83-231
- Kennedy, mr. and mrs. Hubert, of Alexander city, on 50th wedding anniversary—  
SR 142, page 397

## CONGRATULATORY (Continued)

Key club international, Alabama district, commended—  
HJR 34, pages 64, 124, 157, Act no. 83-239

Kilgore, mr. Fred W., jr., commended on presidency of Alabama association of county agricultural agents—  
SR 250, page 867

Killen, mr. A. Selton, of Florence, for outstanding service as county commissioner—  
SR 297, page 1273

Killen, mrs. Peggy L., of Florence, for outstanding service as license commissioner—  
SR 296, page 1273

Killen, Ronald Wilson, of Loretto, Tennessee, for outstanding contributions to education—  
SR 127, page 395

Kittrell, State, commended for athletic accomplishments—  
HJR 301, pages 639, 862, 902, Act no. 83-473

Lang, William H., III, of Regorm, commended on winning marbles tournament—  
HJR 197, pages 379, 523, 542, Act no. 83-390

Law awareness club, Highland avenue school, commended—  
SJR 70, pages 161, 222, 245, 261, 346, Act no. 83-287  
SR 72, pages 162, 214

Lawrence county hospital commended upon accreditation—  
SJR 220, pages 679, 796, 836, 1197, Act no. 83-486

Lee, mr. James C., jr., of Birmingham, recipient of the greater Birmingham area community service award—  
SR 145, page 417

Lewis, representative Duane, of Bessemer, commended—  
HJR 528, pages 1730, 1735, Act no. 83-790

Lewter, mr. Kenneth, superintendent of Limestone county school board, commended—  
SR 245, page 829

Limber twig hunting club commended—  
SR 114, page 351

Lindsay, mrs. Elma Knowles, former Auburn housemother, commended—  
SR 304, page 1274

Linville, dr. Osbie J., commended as outstanding superintendent of Lauderdale county schools—  
SR 226, page 711

Lochapoke high school Indians, state 1A basketball champions, commended—  
SJR 34, pages 50, 79, 97, 345, Act no. 83-229

Looney, mrs. Lois, first lady of Alexander city, commended—  
SR 33, page 50

## CONGRATULATORY (Continued)

Madison county commission, commended on initiative approach to combating drunk driving—  
SJR 8, pages 39, 245, 260, 346, Act no. 83-279

Madison county delegation for legislative conference on high technology and economic development, commended—  
HJR 105, pages 219, 291, 297, Act no. 83-297

Madison county elected officials salary commission commended—  
HJR 268, pages 597, 861, 901, Act no. 83-464

Manley, representative Rick, of Demopolis, commended—  
HJR 453, pages 1297, 1429, Act no. 83-667

Marshall county poultry industry commended on outstanding achievements—  
SR 113, page 351

Masters, master Brian, commended on arts award, 6th through 8th grade—  
SR 46, pages 115, 214  
HJR 99, pages 153, 293, 297, Act no. 83-294

Mayberry, dr. Robert Morris, of Athens, commended on distinguished medical career—  
SR 292, page 1273

McCormick, mr. Bobby, of Florence, for service as county commissioner—  
SR 300, page 1273

McDaniel, John Mark, of Huntsville, commended on his legal career—  
SR 107, page 328

McGee, judge Val L., commended—  
HJR 422, pages 1123, 1294, 1429, Act no. 83-663

McGill, mr. Barron H., of Mobile, commended—  
HJR 135, pages 277, 292, 298, Act no. 83-308

McGowan, reverend Charles, appreciation expressed for prayer at legislative prayer luncheon—  
SR 169, page 506

McGraw, captain James Carrol, commended on retirement from the Alabama national guard—  
HJR 79, pages 142, 213, 237, Act no. 83-259

McGraw, mrs. Sandra Alford, commended—  
HJR 109, pages 219, 293, 297, Act no. 83-299

McKinney, Renaee, "miss lovely lady", of Limestone and Lawrence counties, commended—  
SR 135, page 396

McMillan, hon. Charles Steven, senior vice president of consolidated foods corporation, commended—  
SJR 10, pages 40, 246, 260, 346, Act no. 83-281

Medical association of Alabama commended on establishment of "project doctor's care"—  
HJR 396, pages 981, 1270, 1428, Act no. 83-661

## CONGRATULATORY (Continued)

Medical record association, Alabama, on its 40th anniversary, commended—  
SJR 278, pages 1083, 1207, 1271, 1392, Act no. 83-611

Merrida, mrs. Eleanor Hunter, commended for service to Pratt City community—  
SR 204, page 640

Miller, mrs. Margaret, commended on retirement as Tallapoosa county agent for cooperative extension service—  
SR 197, page 621

Mitchell, Larry H., of Florence, for outstanding contributions to education—  
SR 134, page 396

Mitchell, Victor F., congratulated on 90th birthday—  
HJR 386, pages 986, 1338, 1614, Act no. 83-755

Moates, mr. L. Martin, 1983 farm-city's distinguished farm spokesman of the year, commended—  
HJR 77, pages 143, 213, 237, Act no. 83-258

Mobile area Boy Scouts, commended—  
SR 283, page 1133

Mobile speech and hearing association, commended on outstanding service—  
SJR 49, pages 122, 159, 181, 259, 346, Act no. 83-276

Moore, George Allen of Huntsville, commended for outstanding leadership—  
SR 274, page 1053

Moorman, dr. Robert S., of Huntsville, for service to community and state—  
SR 100, page 315

Morgan, Claude Rutledge, extending birthday wishes—  
SR 126, page 393

Moss, mr. John Grady, commended for outstanding service to Cullman county—  
HJR 312, pages 673, 731, Act no. 83-444

Munden, Charles G., of Mobile, commended on selection as "engineer of the year"—  
HJR 184, pages 379, 523, 542, Act no. 83-389

Murrell, coach Harold, of Athens state college, commended on basketball program—  
SR 22, page 44

Musgrove, jr., mr. William T., for service to legal profession—  
SR 117, page 364

Nalls, the reverend Archie, of Guin, recent graduate of Samford university extension—  
SR 337, page 1625

Nash, Robert H., of Florence, prominent civic leader—  
SR 329, page 1620

## CONGRATULATORY (Continued)

- National football foundation, Alabama chapter, commended—  
HJR 39, pages 64, 126, 157, Act no. 83-243
- Newman, mr. Cyrus, E., for contribution to soil conservation—  
SR 156, page 469
- Nixon, dr. E. D., of Montgomery, honored—  
HJR 296, pages 640, 861, 901, Act no. 83-468
- Northington, mr. Kevin Clark, of Lamar county high school, commended for outstanding achievement—  
SR 54, page 127
- Oakley, mr. Trigger, commended for outstanding service to education—  
SR 192, page 620
- O'Brien, mr. R. Neil, commended for outstanding community service—  
SR 62, page 158
- Odom, mr. Frank, commended for voluntary work at southeast Alabama rehabilitation center—  
HJR 462, page 1458
- Oliver, dr. Charles, retiring district superintendent of the church of the Nazarene, commended—  
SJR 123, pages 376, 407, 429, 462, 540 Act no. 83-359
- Orr, dr. Henry Porter, commended for outstanding service to Auburn university—  
HJR 379, pages 982, 1269, 1428, Act no. 83-660
- Otto, mr. Calvin C., on receiving award of Alabama hospital association for 41 year career—  
SJR 255, pages 875, 1288, 1611, 1619, 1736, Act no. 83-765
- Owens, mr. Ronnie, of Rogersville, commended for service as county commissioner—  
SR 298, page 1273
- Ozment, mr. James Franklin, commended for outstanding leadership—  
HJR 408, pages 1061, 1113, Act no. 83-526
- Paseur, judge Deborah B., of Lauderdale county, commended on legal career—  
SR 104, page 328
- Patterson, mrs. Judy, commended for outstanding service to Lauderdale county board of education—  
SR 227, page 712
- Patterson, mrs. Pat, of Athens, commended—  
SR 331, page 1620
- Payne, dr. Charles L., commended on selection as "outstanding administrator of the year"—  
HJR 264, pages 597, 861, 900, Act no. 83-461
- Payne, ms. Clara P., commended for service to Pratt City community—  
SR 208, page 641
- Peeler, dr. Milton B., of Huntsville, for outstanding service to community and medical profession—  
SR 101, page 315

## CONGRATULATORY (Continued)

- Pendleton, mr. Sam, jr., of Florence, commended for contributions to community—  
SR 275, page 1053
- Perkins, coach Ray, university of Alabama, commended—  
HJR 48, pages 95, 124, 157, Act no. 83-245
- Perry, mrs. Margaret, commended on service to Pratt City community—  
SR 201, page 640
- Petersen, dr. Hacer Adams, recipient of the distinguished teacher educator award, commended—  
HJR 24, pages 63, 125, 157, Act no. 83-237
- Pike, mrs. Flora Milner, on ninetieth birthday—  
SR 158, page 470
- Pitts, mrs. Lucy, commended for service to Pratt City community—  
SR 206, page 640
- Pool, Brenda, of Florence, for outstanding contributions to education—  
SR 136, page 396
- Powell, dr. William D., jr., of UAB dental school, commended—  
HJR 244, pages 480, 523, 542, Act no. 83-397
- Powell, Jack M., dean of students at Sparks state technical college, commended on retirement—  
SJR 326, page 1581
- Pryor, mrs. Betty Jean, of Helena, 1983 Alabama mother of the year, commended—  
HJR 153, pages 300, 317, 333, Act no. 83-319
- Ratliff, mr. William C., jr., of Birmingham, "outstanding handicapped postal employee of the year", commended—  
HJR 345, pages 723, 1446, 1467, Act no. 83-716
- Ray, Royce, III, of Shaw high school, Mobile, commended—  
HJR 253, pages 517, 522, 543, Act no. 83-401
- Rayfield, David, commended on receiving DAR history award—  
HJR 231, pages 438, 523, 542, Act no. 83-394
- Rice, miss Mary Jane, of Mobile, commended on outstanding academic achievement—  
HJR 214, pages 383, 398, 406, Act no. 83-357
- Richardson, Lucious "Sonny", of Jasper, commended—  
HJR 468, page 1459
- Richardson, mr. Nathaniel Alex, Alabama educator, commended—  
HJR 157, pages 300, 317, 333, Act no. 83-321
- Richburg, Prichard police chief Tyree, commended—  
HJR 11, pages 61, 125, 156, Act no. 83-232
- Riesener, baseball coach Bob, of university of Montevallo, commended—  
HJR 49, pages 85, 125, 158, Act no. 83-246.

## CONGRATULATORY (Continued)

- Robert E. Lee high school choralees, commended—  
SR 39, page 83
- Roberts, mr. George, Limestone county educator, commended—  
HJR 257, pages 595, 861, 900, Act no. 83-457
- Roberts, mr. Raymond, of Athens, commended for outstanding community service—  
SR 294, page 1273
- Robertson, mr. Fred, jr., Limestone county board of education, commended—  
SR 247, page 832
- Robinson, Gerald P., commended on retirement—  
HJR 59, pages 86, 124, 158, Act no. 83-249
- Rosen, Auburn track coach Mel, commended on outstanding career—  
SJR 289, pages 1272, 1611, 1619, 1736, Act no. 83-767
- Ross, mr. Donald Davidson, SR., D.C., on service to the chiropractic community—  
SR 109, page 329
- Royal air force Coltishall, United Kingdom, England, commended—  
SJR 150, pages 435, 522, 594, 605, 696, Act no. 83-413
- Royal air force Coltishall, United Kingdom, England commended—  
SR 184, page 603
- Russell high school wild cats, 1982-83 state 2A basketball champions, commended—  
SR 15, page 43
- Savage, miss Donna, of Kennedy high school, for outstanding achievement—  
SR 52, page 126
- Savell, miss Lisa Carol, of Mobile, commended—  
HJR 241, pages 480, 522, 542, Act no. 83-395
- Sawyer, Kyle David, of Jefferson Davis High school, commended on Hitchcock award—  
HJR 138, pages 277, 292, 299, Act no. 83-311
- Sears, mayor Ralph W., of Montevallo, commended—  
HJR 449, pages 1209, 1266, Act no. 83-602
- Sego, Frank J., on candidacy for president-elect of national exchange club—  
HJR 318, pages 674, 731, Act no. 83-447
- Sherer, mr. Ralph, of Auburn, for distinguished public service—  
SR 328, page 1619
- Skelton, miss Virginia, commended—  
SR 110, page 332
- Slaughter, mr. and mrs. Frank Lee, commended on 50th wedding anniversary—  
SR 74, page 166

## CONGRATULATORY (Continued)

Smith Lake civic association, commended—  
HJR 469, page 1459

Smith, mr. Donald H., sr., commended as Mobilian of the year, 1982—  
HJR 23, pages 63, 125, 157, Act no. 83-236

Smith, mr. Harold, Limestone county board of education, commended—  
SR 246, page 829

Smith, mr. Johnny, of Florence, national director and executive committeeman of blacks in government—  
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Smith, mr. Wallace Lee, jr., prominent Houston county educator, commended—  
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Smith, the reverend Bob, of Birmingham, pastor of parkway Christian fellowship church, commended—  
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Snider, mr. John W., sr., of Livingston, commended for outstanding municipal service—  
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South Highlands hospital commended upon accreditation—  
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Spencer, mr. Guy Jr., of Huntsville, commended—  
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Stanley, mr. John A., sr., of Chickasaw, for outstanding service—  
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State street AME Zion church of Mobile, commended for 163rd anniversary—  
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Steele, mr. Wallace, of Athens, commended for agricultural achievements—  
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Steiner, mr. Russell R., Alabama's small business person of the year 1983, commended—  
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Stowers, mr. John Walter, commended as chairman of the board, Birmingham baseball club, inc.—  
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- Swanner, mr. James D., of Limestone county, for outstanding community service—  
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- Tau Kappa chapter of Chi Omega fraternity at the university of Montevallo, commended—  
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- Taylor, mrs. Velma, commended for service to Pratt City community—  
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- Teague, dr. Wayne, commended—  
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- Tennessee valley authority, commended on its 50th anniversary—  
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- Terry, Elmon G., of Lauderdale county, for outstanding contributions to education—  
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- Thomas, mrs. Mary Ann, of Athens, commended for community service—  
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- Three on a string, of Dothan, on musical achievements—  
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- Thompson, Ralph Taylor, of Florence, for outstanding contributions to education—  
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- West Alabama general hospital commended on its accreditation—  
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- White, mr. John H., founder of the Alabama district, key club international, commended—  
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- White, mr. Tom, of Flomaton, commended for financial support of higher education—  
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- Championship athletic field at Munny Sokol park, Tuscaloosa, the "Danny C. Morrison field"—  
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- "Robert F. Henry lock and dam," congress and the president commended on recognition naming—  
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